

**ANNUAL REPORT FOR 2015**  
**and**  
**RESOURCE MATERIAL**  
**SERIES No. 99**

**UNAFEI**

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## INTRODUCTORY NOTE

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It is with pride that the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) offers to the international community the Resource Material Series No. 99. This volume contains the Annual Report for 2015 and the work produced in the 162nd International Senior Seminar, conducted from 13 January to 12 February 2016. The main theme of the 162nd Seminar was *Multi-Agency Cooperation in Community-Based Treatment of Offenders*.

As the challenges facing prison systems around the world have increased, community-based treatment of offenders has become a global trend. After release, prisoners require not only supervision by probation officers but also support for their rehabilitation, particularly in terms of employment and housing assistance. Thus, to prevent recidivism effectively, offender rehabilitation agencies and organizations should supervise and support offenders seamlessly and collaboratively to facilitate the reintegration of offenders into the community.

UNAFEI, as one of the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, held this Seminar to explore various issues that relate to multi-agency cooperation in community-based treatment of offenders. This issue of the *Resource Material Series*, in regard to the 162nd International Senior Seminar, contains papers contributed by visiting experts, selected individual-presentation papers from among the participants, and the Reports of the Seminar. I regret that not all the papers submitted by the participants of the Seminar could be published.

I would like to pay tribute to the contributions of the Government of Japan, particularly the Ministry of Justice, the Japan International Cooperation Agency, and the Asia Crime Prevention Foundation, for providing indispensable and unwavering support to UNAFEI's international training programmes.

Finally, I would like to express my heartfelt gratitude to all who so unselfishly assisted in the publication of this series.

September 2016



Keisuke SENTA  
Director of UNAFEI



**PART ONE**  
**ANNUAL REPORT**  
**FOR 2015**

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- *Main Activities of UNAFEI*
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**UNAFEI**



# MAIN ACTIVITIES OF UNAFEI (1 January 2015 – 31 December 2015)

## I. ROLE AND MANDATE

The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) was established in Tokyo, Japan in 1962 pursuant to an agreement between the United Nations and the Government of Japan. Its goal is to contribute to sound social development in the Asia and the Pacific region by promoting regional cooperation in the field of crime prevention and criminal justice, through training and research.

UNAFEI has paid utmost attention to the priority themes identified by the Commission on Crime Prevention and Criminal Justice. Moreover, UNAFEI has been taking up urgent, contemporary problems in the administration of criminal justice in the region, especially problems generated by rapid socio-economic change (e.g., transnational organized crime, corruption, economic and computer crime and the reintegration of prisoners into society) as the main themes and topics for its training courses, seminars and research projects.

## II. TRAINING

Training is the principal area and priority of the Institute's work programmes. In the international training courses and seminars, participants from different areas of the criminal justice field discuss and study pressing problems of criminal justice administration from various perspectives. They deepen their understanding, with the help of lectures and advice from the UNAFEI faculty, visiting experts and ad hoc lecturers. This so-called "problem-solving through an integrated approach" is one of the chief characteristics of UNAFEI programmes.

Each year, UNAFEI conducts two international training courses (six weeks' duration) and one international seminar (five weeks' duration). Approximately one hundred government officials from various overseas countries receive fellowships from the Japan International Cooperation Agency (JICA is an independent administrative institution for ODA programmes) each year to participate in all UNAFEI training programmes.

Training courses and seminars are attended by both overseas and Japanese participants. Overseas participants come not only from the Asia-Pacific region but also from the Middle and Near East, Latin America and Africa. These participants are experienced practitioners and administrators holding relatively senior positions in the criminal justice field.

By the end of 2015, UNAFEI had conducted a total of 161 international training courses and seminars. Over 5,000 criminal justice personnel representing 137 different countries and administrative regions have participated in these seminars. UNAFEI also conducts a number of other specialized courses, both country and subject focused, in which hundreds of other participants from many countries have been involved. In their respective countries, UNAFEI alumni have been playing leading roles and hold important posts in the fields of crime prevention and the treatment of offenders, and in related organizations.

### A. The 159th International Senior Seminar

#### 1. Introduction

The 159th International Senior Seminar was held from 14 January to 12 February 2015. The main theme was "Public Participation in Community Corrections". Eighteen overseas participants (including one course counsellor) and seven Japanese participants attended the Seminar.

#### 2. Methodology

Firstly, the Seminar participants introduced the roles and functions of criminal justice agencies in their countries in regard to the main theme. After receiving lectures from UNAFEI Professors and visiting experts, the participants were then divided into two group workshops as follows:

Group 1: Measures for Implementing and Promoting Community-Based Treatment

Group 2: Measures for Enhancing and Promoting Volunteer Participation in Cooperation with Governments (and Judiciaries) Involved in Community-Based Treatment of Offenders

Each Group elected a chairperson, co-chairperson(s), a rapporteur and co-rapporteur(s) in order to facilitate the discussions. During group discussion, the group members studied the designated topics and exchanged views based on information obtained through personal experiences, the Individual Presentations, lectures and so forth. The Groups presented their reports during the Report-Back Session, where they were endorsed as the Reports of the Seminar. The full texts of these Reports were published in UNAFEI Resource Material Series No. 96.

### 3. Outcome Summary

#### *(i) Measures for Implementing and Promoting Community-Based Treatment*

In the context of offender rehabilitation and desistance among adults and juveniles, Group 1 considered (i) diversion mechanisms as alternatives to imprisonment and (ii) community-based treatment after imprisonment. These measures are crucial to offender rehabilitation because the process can only be completed once the offender has adopted a non-criminal “replacement identity”, which is unlikely to be developed during incarceration. Ultimately, reliance on alternative measures and rehabilitation will reduce the social stigma against the offender and lower rates of recidivism.

*Before conviction*, alternative measures should be considered for minor offences. These measures should be administered by public prosecutors for offences that implicate the public interest, whereas offences that implicate private interests (such as common fist fights) are amenable to restorative justice procedures. *After conviction*, suspension of sentence should be utilized to avoid imprisonment but also to impose alternative measures, such as supervision by probation officers, community service, fines, commitment to halfway houses (allowing offenders to remain in the community), and medical treatment and social-psychological assistance for drug users. For the imprisoned, *community-based treatment* should begin on the first day of incarceration, and probation officers should continue to monitor the progress of rehabilitation through psycho-social reports. Moreover, for the rehabilitation of juvenile offenders, it is important for society to focus on the juvenile, not the crime, and it is necessary to involve the family, victims and the community in the rehabilitation process.

To achieve community involvement in offender rehabilitation, the following measures should be considered: (i) a professional probation service with emphasis on recruiting educated officers with strong interpersonal and counselling skills and a strong desire to rehabilitate offenders; (ii) a system of volunteer probation officers to support offender rehabilitation in the community; (iii) effective community service programmes; and (iv) a commitment to changing the public mindset in favour of rehabilitation. It was recognized that many countries will face difficulties in implementing the proposed practices because of the difficulty of enacting legislation and changing the mind-sets of societies and governments on offender rehabilitation. Nevertheless, offender treatment requires “bridg[ing] the gap between offenders’ rehabilitation needs and the extent of community involvement”.

#### *(ii) Measures for Enhancing and Promoting Volunteer Participation in Cooperation with Governments (and Judiciaries) Involved in Community-Based Treatment of Offenders*

The group commenced its discussions by defining a volunteer as “A person or an organization with particular life skills and experiences who is willing to contribute his/her/its skills, experiences, time and resources for community-based treatment of offenders without remuneration”. It was agreed that volunteers are necessary for community-based treatment because of their local character, their role as non-governmental officials, and their ability to provide “continuity of activities” within the community. Further, volunteers are necessary to remedy the lack of sufficient treatment for released offenders or those serving non-custodial sentences. The objective of volunteer participation is “to establish, organize and enhance public participation in crime prevention and community-based treatment of offenders”.

Human resources within communities should be harnessed to reintegrate offenders into the main stream of society. The recruitment and appointment of volunteers is critically important to achieving successful volunteer participation in community corrections by identifying “mature, credible and dependable,

## MAIN ACTIVITIES OF UNAFEI

volunteers with key life skills and experiences who will impart value to the rehabilitation process of the ex-offender". The importance of legislation, proper procedures and specified criteria regulating the appointment of volunteers was stressed by the group. It was also stressed that ex-offenders should not be excluded from volunteering merely due to their status, and the group cited at least one example of ex-offenders serving in such roles.

In addition to recruitment and appointment, the group identified several other areas that require particular attention from practitioners and policymakers: (i) capacity building, training and morale development of volunteers, (ii) resources, funding and organization of volunteers, (iii) welfare and safety of volunteers, and (iv) community resources and public understanding and cooperation.

The group recognized that crime is born in the community and, thus, concluded that volunteer participation is indispensable for offender rehabilitation. Nine specific recommendations—addressing legislation on volunteer programmes, volunteer training, government support, international standards, and networking among criminal justice systems, and so on—were detailed in the group workshop report, which was published in UNAFEI's Resource Material Series No. 96.

### **B. The 160th International Training Course**

#### 1. Introduction

The 160th International Training Course was held from 13 May to 17 June 2015. The main theme was "The State of Cybercrime: Current Issues and Countermeasures". Twenty-two overseas participants and seven Japanese participants attended this Course.

#### 2. Methodology

The objectives of the Course were primarily realized through the Individual Presentations, lectures by visiting experts and Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of his or her country with respect to the main theme of the Course. The Group Workshops further examined the subtopics of the main theme. To facilitate discussion, the participants were divided into three groups to discuss the following topics under the guidance of faculty advisers:

Group 1: Effective Cybercrime Legislation from the Perspective of Enforcement Practices

Group 2: Measures for Effective Investigation, Prosecution and Adjudication of Cybercrime Cases

Group 3: Effective Measures for Strengthening the System for Suppression and Prevention of Cybercrime

The three groups each elected a chairperson, co-chairperson(s), a rapporteur and co-rapporteur(s) to organize the discussions. The group members studied the designated subtopics and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. The Groups presented their reports during the Report-Back Session, where they were endorsed as the reports of the Course. The full texts of the reports were published in full in Resource Material Series No. 97.

#### 3. Outcome Summary

##### *(i) Effective Cybercrime Legislation from the Perspective of Enforcement Practices*

Focusing on the development of cybercrime legislation, Group 1 used the Convention on Cybercrime (the Budapest Convention) as a basis for discussion and formulation of its recommendations. The group reported that four of the nine participating countries have adopted the Convention and encouraged all states to ratify the Convention as it is the current and foremost global framework on cybercrime.

In considering how long internet service providers should be required to preserve data, the group noted the difference between data preservation (suspicion of crime) and retention (no suspicion of crime). The group members concluded that legislation should require the retention of data for one year; a warrant should be required for data preservation, and the group agreed with the Convention's 90-day preservation period, which can be extended.

The group agreed that domestic legislation must provide for the admissibility of digital evidence. Because this issue is not addressed in the Convention, the group recommended borrowing strategies from regional cybercrime approaches. Conditions for admitting digital evidence should (1) require a chain of custody to guarantee authenticity, (2) maintain victim privacy, and (3) ensure that digital evidence is subjected to forensic examination.

Regarding Internet anonymity, the group agreed that privacy and freedom of expression must be protected. Thus, in line with the Council of Europe's Committee of Ministers' Declaration on Freedom of Communication on the Internet (2003), the group supports Internet anonymity and noted that a prohibition against such anonymity would be difficult to enforce. The group members also considered whether Internet users should be forced to disclose encryption keys during criminal prosecutions and unanimously concluded that users should not be required to do so. The burden of proof is on the prosecution, and the right to remain silent should not be abridged in cybercrime cases. However, law enforcement should be permitted to use advanced investigation techniques that mitigate the problems posed by data encryption.

In addition to its recommendations above, the group members identified numerous enforcement challenges and proposed measures to address them. The challenges identified were: (1) lack of specialized cybercrime laws in most jurisdictions, (2) lack of adequate sanctions to deter cybercrime, (3) the Convention has not been universally adopted, (4) lack of public-private sector coordination, (5) lack of specialized personnel, (6) prohibitive costs of cybercrime investigation and enforcement, and (7) lack of international cooperation frameworks that utilize mutual legal assistance treaties.

*(ii) Measures for Effective Investigation, Prosecution and Adjudication of Cybercrime Cases*

Group 2 considered the investigation, prosecution and adjudication of cybercrime cases by engaging in an intensive review of the current practices in each of the participating countries and by identifying challenges to overcome and approaches and measures to improve current practices. In summarizing their discussions, the group focused on effective measures for: (1) generating cybercrime leads, (2) identifying criminals and collecting evidence, and (3) prosecution and adjudication.

A majority of the group members reported that their countries do not conduct cyberpatrolling; members whose countries do conduct cyberpatrolling reported that the private sector is often reluctant to voluntarily submit data records to investigators due to customer-privacy concerns. The group concluded that all countries should adopt laws requiring service providers to furnish necessary information to authorities. All members agreed that it is critical for investigators who receive or generate leads on cybercrime to have sufficient technical skills.

When identifying criminals and collecting evidence of cybercrime, the group agreed that obtaining information such as IP addresses and SIM cards is necessary but not sufficient evidence. IP addresses are often only the beginning of the investigation because perpetrators use proxy servers, TOR onion routers and applications to immediately erase access logs. Requiring registration of SIM cards and the use of cybercrime experts, international cooperation and traditional investigation methods are also necessary to trace cybercriminals.

Regarding prosecution and adjudication, common challenges include document authentication and chain of custody issues; the inadequacy of existing criminal procedure laws at handling cybercrime evidence; and delays in the prosecution of cybercrime cases due to the need for expert witnesses. Solutions to these problems include the adoption of specialized cybercrime laws and procedures, access to forensic laboratories, specialized training for criminal justice professionals and collaboration between prosecutors and expert witnesses to present the cybercrime evidence clearly and simply in court.

The group concluded that there are four key elements to proper investigation, prosecution and adjudication of cybercrime: (1) capacity-building of relevant criminal justice professionals; (2) improving public awareness of cybercrime, which involves recognizing and reporting cybercrime to the relevant governmental contact point; (3) encouraging public-private partnerships to collect evidence and share investigation techniques; and (4) enhanced international cooperation coupled with the harmonization of legislation on cybercrime. In addition to the recommendations above, many others were detailed in the group workshop report, which was published in UNAFEI's Resource Material Series No. 97.

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### *(iii) Effective Measures for Strengthening the System for Suppression and Prevention of Cybercrime*

Addressing the topic of suppression and prevention of cybercrime, Group 3 discussed the following issues: (1) establishment of special organizations or units against cybercrime and measures of capacity-building for criminal justice practitioners, (2) facilitating international, regional and domestic cooperation among cybercrime agencies, and (3) facilitating public-private partnerships against cybercrime.

Most of the group members agreed that forensic laboratories and other specialized cybercrime units are necessary to handle the complexity of cybercrime cases, but some group members expressed concerns over the organization and administration of such units, as well as conflicts that may result from the overlapping functions of other governmental agencies. Regarding capacity-building, the group members agreed that two levels of training should be offered. First, all cyberpractitioners, including police officers and other first responders, should be trained on basic knowledge for handling cybercrime cases and to preserve evidence of cybercrime so that it will be admissible in court. Second, specialized training and certification is necessary for experts who conduct cybercrime investigations.

To coordinate the suppression of cybercrime, the group recommended the establishment of a 24/7 point of contact on the international level that operates in line with the Convention on Cybercrime (the Budapest Convention). In addition to accepting reports of cybercrime from governments and the general public, the centre could share cybercrime intelligence reports and other relevant information. All members of the group agreed that greater cooperation between investigative agencies and digital forensic laboratories is necessary, but there was no consensus on the need for the expertise of private institutions. The debate focused on the perception that private institutions offer the advantage of technical expertise but raised concerns over chain of custody issues involved in relying on a third party analysis of potential cybercrime evidence.

The group agreed that public-private partnerships are essential to the suppression and prevention of cybercrime, and recommended a broad cooperation strategy involving internet service providers (ISPs), telecommunications companies (TELCOs), cooperation with universities and research groups, and enhanced public awareness of cybercrime. The group's recommendations included, among others: (1) requiring international regulation for all ISPs and a strict policy of regulatory permitting to ensure compliance; (2) requiring ISPs to preserve traffic data for at least 90 days with the possibility of extending the preservation requirement; (3) requiring TELCOs to register SIM cards to prevent criminals from concealing their identities; (4) the creation of CERT or CSIRT in each country in cooperation with the private sector. The group concluded that although cybercrime will persist, governments, the private sector and citizens must work together to suppress cybercrime.

## **C. The 161st International Training Course**

### 1. Introduction

The 161st International Training Course was held from 19 August to 17 September 2015. The main theme was "Staff Training for Correctional Leadership". Fourteen overseas participants and four Japanese participants attended.

### 2. Methodology

The participants of the 161st Course endeavoured to explore the topic primarily through a comparative analysis of the current situation and the problems encountered. The participants' in-depth discussions enabled them to put forth effective and practical solutions.

The objectives were primarily realized through the Individual Presentations, lectures by visiting experts and the Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of his or her country with respect to the main theme of the Course. To facilitate discussions, the participants were divided into two groups.

Group 1: Enhancing the Organizational Strengths of Criminal Justice Organizations

Group 2: Developing Effective Training Curricula

Each Group elected a chairperson, co-chairperson, rapporteur and co-rapporteur(s) to organize the dis-

cussions. The group members studied the situation in each of their countries and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. Both groups examined the course theme. The Groups presented their reports in the Report-Back Sessions, where they were endorsed as the reports of the Course. The reports were published in full in UNAFEI Resource Material Series No. 98.

### 3. Outcome Summary

#### *(i) Enhancing the Organizational Strengths of Criminal Justice Organizations*

Group 1 addressed four common issues for improving organizational strength in the correctional setting: (A) developing an organizational culture of integrity, (B) stress management for correctional personnel, (C) passing knowledge and experience to the next generation, and (D) promoting cooperation in capacity-building with other organizations.

Regarding organizational integrity, the group members reported that their systems have controlled systematic corruption, but they stressed the need for vigilance to address the potential for corruption, like the introduction of contraband into correctional facilities. In response, the group identified a number of measures such as regular vetting of officials, strict anti-corruption enforcement, payment of adequate salaries, asset declaration, video-recorded investigations, and so on. In addition, all members recognized the need to deal with issues of unnecessary force, abusive language, and human rights abuses. Appropriate measures include oversight by human rights organizations, creating channels for reporting complaints, and creating training programmes and standards of conduct for correctional officers.

The group also recognized that stress among correctional staff is common in all countries due to the stressful nature of the job, insufficient resources (including low pay and insufficient manpower), poor working environments (including exposure to disease, poor housing, etc.), high expectations of each staff member, and social development. Measures should be taken to reduce stress, such as “health and balanced lifestyle” campaigns, promoting family relationships through sports, music, family fun days, etc., regular thematic talks among staff, improving staff quarters, and establishment of a “staff complaint register”.

Succession planning is extremely important to pass knowledge to the next generation and maintain institutional stability. The group reported that the following actions have been taken in some countries: (1) comprehensive training programmes, (2) job rotation and internship programmes for staff, (3) written policy, emergency and training manuals, (4) mentoring and coaching schemes, (5) cooperation with academic bodies to research the success of the training curriculum, (6) stipulation of clear career paths for young officers, (7) standardization of training materials and content to ensure the quality of training, and (8) the use of e-learning to expand training coverage and reduce the need for resources.

On the issue of cooperation with other organizations, criminal justice authorities are expected to do more than just lock up offenders. To enhance the ability of these authorities to meet modern correctional expectations, it is necessary to collaborate with outside organizations, such as academic institutions, local governmental agencies, and overseas counterparts.

#### *(ii) Developing Effective Training Curricula*

Group 2 addressed the topic of “Developing Effective Training Curricula” based on the following agenda: (1) training staff with high expertise, (2) understanding and respecting international standards as guidance, and (3) the use of effective training methods. The group emphasized that it is important to improve service delivery by implementing effective training curricula. Training must be in line with the mission, vision and goals of the correctional system.

Effective training for correctional personnel should be interdisciplinary and designed to address the needs of specific groups of offenders; offender classification and risk assessment are very important tools in this regard. Disciplines like sociology, criminology and psychology are important for addressing the treatment needs of drug, sex and human-trafficking offenders, as well as offenders with links to terrorism. For example, training for the treatment of drug offenders should include measures ranging from effective search methods to sensitizing correctional staff to the negative effects of drug abuse, signs of withdrawal and so on.

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The group agreed that training curricula should be in line with United Nations standards and norms, such as the Standard Minimum Rules for the Treatment of Prisoners (The Mandela Rules) and the Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules). For example, training curricula should incorporate the Tokyo Rules by emphasizing concepts of de-penalization and de-criminalization, encouraging the use of diversion programmes, legal safeguards to protect the dignity and privacy of the offender and the confidentiality of personal records, and training on the preparation of factual and objective social inquiry reports.

To create effective training programmes, the group emphasized the importance of selecting the best training methods by conducting a needs assessment before implementing the training. To conduct such an assessment, it is important to identify: key characteristics of the trainer and the participants (human characteristics), the social and cultural conditions of the participants (social factors), key subject areas, and time and material factors. Once the proper needs have been identified, the training must be matched with the most appropriate training method, such as brainstorming, lectures, group discussion, role playing, mentorship, case studies, study tours, the use of experts, and demonstrations. Likewise, effective training materials must be created, such as training manuals and lesson plans, relevant laws and policies, the use of experts, photographs and pictures, radio and television documentaries, and working tools.

In conclusion, Group 2 stressed the importance of developing a national systematic training framework and conducting impact evaluation of all training programmes. Further conclusions and detailed examples of correctional training curricula and objectives are contained in the group workshop report, which was published in UNAFEI's Resource Material Series No. 98.

### III. SPECIAL TRAINING COURSES AND TECHNICAL ASSISTANCE

#### **A. The Second Criminal Justice Training Programme for French-Speaking African Countries**

From 25 February to 20 March 2015, UNAFEI held the Second Criminal Justice Training Programme for French-Speaking African Countries. Thirty-two participants attended from eight African countries and Japan. The participants discussed the themes of "Enhancing the capacity of investigation, prosecution, advocacy, and adjudication" and the "Criminal Justice Response to Organized Crime".

#### **B. Joint Study on the Legal Systems of Viet Nam and Japan**

From 22 to 26 June 2015, two officials from Viet Nam were invited to Japan to study the criminal policy and the current situation and issues of criminal justice in Japan and Viet Nam.

#### **C. The Joint Study on the Legal Systems of Japan and Viet Nam 2015 RTI-SPP Exchange Programme Japan Session**

From 21 to 27 July 2015, UNAFEI hosted the Joint Study on the Legal Systems of Japan and Viet Nam 2015 RTI-SPP Exchange Programme Japan Session in Tokyo, Japan. The theme of the programme was "Current issues of crime and prosecutorial practice in Viet Nam and Japan" and "white papers on crime".

#### **D. The Training Seminar for Prison Officers in Myanmar**

From 3 to 21 August, UNAFEI co-hosted a seminar in Myanmar in which 90 prison officials from Myanmar studied prison management in line with international standards and norms.

#### **E. The 25th Anniversary Seminar of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)**

From 7 to 9 September 2015, 13 criminal justice experts and the participants of the 161st International Training Course shared best practices and challenges related to the implementation of the Tokyo Rules.

#### **F. The Seminar on Promoting Community-based Treatment in the ASEAN Region**

From 29 September to 1 October 2015, the Department of Probation, Ministry of Justice, Thailand (DOP), the Thailand Institute of Justice (TIJ), the Rehabilitation Bureau, Ministry of Justice, Japan, and UNAFEI hosted the Seminar on Promoting Community-based Treatment in the ASEAN Region in Tokyo, Japan. Keynote speeches were delivered by Ms Sonya Spencer, Executive Director of the John Howard Society of Toronto and Mr YAMADA Kenji, Volunteer Probation Officer and Secretary General of the National Organization for Employment of Offenders.

#### **G. The 18th UNAFEI UNCAC Training Programme**

The UNCAC Training Programme was held from 14 October to 18 November 2015. This Programme dealt with the United Nations Convention against Corruption and examined countermeasures against corruption. The theme of the Programme was *Effective Anti-Corruption Enforcement and Public-Private and International Cooperation*. Twenty-four overseas participants and six Japanese participants attended.

#### **H. The Ninth Regional Seminar on Good Governance for Southeast Asian Countries**

UNAFEI hosted the Ninth Regional Seminar on Good Governance for Southeast Asian Countries from 14 to 26 November 2015 at the JW Marriott Hotel in Jakarta, Indonesia. The Seminar was co-hosted by the Attorney General Office and the Corruption Eradication Commission. The main theme of the Seminar was *Current Challenges and Best Practices in the Investigation, Prosecution and Prevention of Corruption Cases—Sharing Experiences and Learning from Actual Cases*. Nineteen participants and observers from ten Southeast Asian countries attended. The Seminar featured Mr. Tony Kwok Man-wai, Anti-Corruption Consultant and former Deputy Commissioner of the Independent Commission Against Corruption, Hong Kong.

#### **I. The Second Training Course on Legal Technical Assistance for Viet Nam**

From 3 to 15 December 2016, 10 officials from Viet Nam studied the experience of Japan surrounding the preparation of its white paper on crime and discussed problems related to the enforcement of the amended code of criminal procedure in Viet Nam.

### **IV. INFORMATION AND DOCUMENTATION SERVICES**

The Institute continues to collect data and other resource materials on crime trends, crime prevention strategies and the treatment of offenders from Asia, the Pacific, Africa, Europe and the Americas, and makes use of this information in its training courses and seminars. The Information and Library Service of the Institute has been providing, upon request, materials and information to United Nations agencies, governmental organizations, research institutes and researchers, both domestic and foreign.

### **V. PUBLICATIONS**

Reports on training courses and seminars are published regularly by the Institute. Since 1971, the Institute has issued the Resource Material Series, which contains contributions by the faculty members, visiting experts and participants of UNAFEI courses and seminars. In 2015, the 95th, 96th and 97th editions of the Resource Material Series were published. Additionally, issues 146 to 148 (from the 159th Senior Seminar to the 161st International Training Course, respectively) of the UNAFEI Newsletter were published, which included a brief report on each course and seminar and other timely information. These publications are also available on UNAFEI's website at <http://www.unafei.or.jp/english>.

### **VI. OTHER ACTIVITIES**

#### **A. Public Lecture Programme**

On 30 January 2015, the Public Lecture Programme was conducted in the Grand Conference Hall of the Ministry of Justice. In attendance were many distinguished guests, UNAFEI alumni and the participants of the 159th International Senior Seminar. This Programme was jointly sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI.

The Public Lecture Programmes increase the public's awareness of criminal justice issues, through comparative international study, by inviting distinguished speakers from abroad. In 2015, Dr. Bonita M. Veysey, Professor, School of Criminal Justice, Rutgers University-Newark, Center for Law and Justice, and Ms. Bernadette Alexander, Deputy Director/Chief Probation Officer, Probation Services Branch, Rehabilitation and Protection Services, Ministry of Social and Family Development, Singapore, were invited as speakers. They presented papers entitled "Offender Rehabilitation and Reform" and "Community-based Rehabilitation of Offenders in Singapore", respectively.

#### **B. Assisting UNAFEI Alumni Activities**

Various UNAFEI alumni associations in several countries have commenced, or are about to commence,

## MAIN ACTIVITIES OF UNAFEI

research activities in their respective criminal justice fields. It is, therefore, one of the important tasks of UNAFEI to support these contributions to improve the crime situation internationally.

### **C. Overseas Missions**

Professor TASHIRO Akiko visited Hanoi, Viet Nam, from 2 to 5 February 2015 to attend the Consultative Workshop on the Draft of the Revised Penal Code of Viet Nam held at the Ministry of Justice

Professor NAGAI Toru and Professor AKASHI Fumiko visited Phnom Penh, Cambodia, Vientiane, Lao PDR, Hanoi, Viet Nam and Manila, Philippines from 27 February to 11 March 2015 to research the criminal justice systems of the aforementioned countries.

Professor YOSHIMURA Koji visited Yangon, Myanmar from 23 February to 7 March 2015 to attend the 4th Asian Conference of Correctional Facilities Architects and Planners (ACCFA), to research the criminal justice system in Myanmar and to discuss the “Myanmar Country Programme” with related organizations.

Deputy Director MORINAGA Taro visited Bangkok, Thailand and Yangon, Myanmar from 2 to 7 March 2015 to research the criminal justice systems in Myanmar and to discuss the “Myanmar Country Programme” with related organizations.

Professor TASHIRO Akiko and Professor NAGAI Toru, and Professor AKASHI Fumiko visited Bangkok, Thailand from 22 to 28 March 2015 to attend the Seminar on Promoting Community-based Treatment in the ASEAN Region.

Professor MORIYA Kazuhiko visited Jakarta, Indonesia from 23 to 27 March 2015 to research anti-corruption efforts in Southeast Asia.

Director YAMASHITA Terutoshi, Professor TASHIRO Akiko, Professor NAGAI Toru and Professor AKASHI Fumiko visited Doha, Qatar from 12 to 19 April 2015 to attend the 13th United Nations Congress on Crime Prevention and Criminal Justice (Congress).

Professor HIROSE Yusuke visited Hong Kong from 11 to 13 May 2015 to attend The 6th Independent Commission Against Corruption (ICAC) Symposium.

Director YAMASHITA Terutoshi and Professor NAGAI Toru visited Vienna, Austria from 18 to 22 May 2015 to attend the 24th Session of the Commission on Crime Prevention and Criminal Justice.

Professor MINOURA Satoshi and AKASHI Fumiko visited Tagaytay, Philippines from 20 to 21 May 2015 to attend the ASEAN Plus Three Forum on Probation and Community-Based Rehabilitation.

Director YAMASHITA Terutoshi visited Bangkok, Thailand from 4 to 5 June 2015 to attend the AsianSIL Inter-Sessional Regional Conference 2015.

Professor HIROSE Yusuke visited Bangkok, Thailand on 11 June 2015 to attend the Thailand Institute of Justice (TIJ) Seminar on Criminal Justice Human Resources.

Professor MINOURA Satoshi and Professor AKASHI Fumiko visited Los Angeles, U.S.A., from 14 to 16 July 2015 to attend the Second World Congress on Community Corrections.

Professor NAGAI Toru visited Bangkok, Thailand on 3 August 2015 to attend the 2nd International Meeting on Offender Rehabilitation.

Professor YUKAWA Tsuyoshi visited Beijing, China from 22 to 23 August 2015 to attend the 6th International Forum of Contemporary Criminal Law.

Professor YUKAWA Tsuyoshi visited Vienna, Austria from 31 August to 2 September 2015 to attend the 6th Intersessional Meeting of the Open-ended Intergovernmental Working Group on Prevention,

UNCAC.

Professor HIROSE Yusuke visited Senegal, Cote d'Ivoire, and Paris, France from 13 to 23 September 2015 to prepare for the Training on Criminal Justice in French Speaking African Countries, which will be held in February 2016.

Director YAMASHITA Terutoshi and Professor YOSHIMURA Koji visited Bangkok, Thailand, from 4 to 11 October 2015 to attend the Expert Meeting on the Training Modules for Correctional Staff and Training of Trainers on the Management of Prisoners in the ASEAN Region, and the 5th Anniversary of the Bangkok Rules: International Perspectives on Good Practices and Lessons Learned.

Professor NAGAI Toru, Professor AKASHI Fumiko and senior officer SATO Marie visited Melbourne, Australia from 25 to 30 October 2015 to attend the 17th ICPA (International Corrections and Prisons Association) Annual Conference.

Professor NAGAI Toru visited Bangkok, Thailand from 22 to 27 November 2015 to attend the 35th Asia and Pacific Conference of Correctional Administrators (APCCA).

Director YAMASHITA Terutoshi visited Seoul, Korea on 30 November 2015 to attend the KIC (Korean Institute of Criminology) International Forum 2015: Criminal Justice Policies for a Safe Society.

Director YAMASHITA Terutoshi and Professor MINOURA Satoshi visited Lund, Sweden from 11 to 12 December 2015 to attend the Seminar on "Supporting Good Prison Practice"—Experiences and Lessons Learned, hosted by the Raoul Wallenberg Institute (RWI) and to attend the PNI's (UN Crime Prevention and Criminal Justice Programme Network Institutes) Coordination Meeting.

Professor YUKAWA Tsuyoshi and Professor HIROSE Yusuke visited Kathmandu, Nepal, from 13 to 22 December 2015 to prepare for the Comparative Study on Criminal Justice Systems of Japan and Nepal, which will be held in March 2016.

#### **D. Assisting ACPF Activities**

UNAFEI cooperates and collaborates with the ACPF to improve crime prevention and criminal justice administration in the region. Since UNAFEI and the ACPF have many similar goals, and a large part of the ACPF's membership consists of UNAFEI alumni, the relationship between the two is very strong.

## **VII. HUMAN RESOURCES**

### **A. Staff**

In 1970, the Government of Japan assumed full financial and administrative responsibility for running the Institute. The Director, Deputy Director and approximately nine professors are selected from among public prosecutors, the judiciary, corrections, probation and the police. UNAFEI also has approximately 15 administrative staff members, who are appointed from among officials of the Government of Japan, and a linguistic adviser. Moreover, the Ministry of Justice invites visiting experts from abroad to each training course and seminar. The Institute has also received valuable assistance from various experts, volunteers and related agencies in conducting its training programmes.

### **B. Faculty and Staff Changes**

Mr. IWASHITA Shinichiro, formerly a professor of UNAFEI, was transferred to the Kumamoto District Public Prosecutors Office on 1 April 2015.

Mr. YUKAWA Tsuyoshi, a public prosecutor of the Sendai District Public Prosecutors Office, was appointed as a professor of UNAFEI on 1 April 2015.

Ms. MIO Yukako, formerly a professor of UNAFEI, was transferred to the Tokyo District Public Prosecutors Office on 1 April 2015.

Ms. WATANABE Ayuko, formerly a public prosecutor of the Tokyo District Public Prosecutors Office,

## MAIN ACTIVITIES OF UNAFEI

was appointed as a professor of UNAFEI on 1 April 2015.

Ms. TASHIRO Akiko, formerly a professor of UNAFEI, was transferred to the Rehabilitation Bureau on 1 May 2015.

Mr. MINOURA Satoshi, formerly the Chief of the General Affairs and Planning Section, Rehabilitation Bureau, was appointed as a professor of UNAFEI on 1 April 2015.

Mr. KAYA Tomonobu, formerly a professor of UNAFEI, will continue in his post as a member of the Organized Crime Department, Criminal Investigation Bureau, National Police Agency, effective as of 24 July 2015.

Mr. TSUJI Takanori of the National Police Academy was appointed as a professor of UNAFEI on 24 July 2015.

## VIII. FINANCES

The Ministry of Justice primarily provides the Institute's budget. UNAFEI's total budget for its programmes is approximately ¥70 million per year. Additionally, JICA and the ACPF provide assistance for the Institute's international training courses and seminars.

# WORK PROGRAMME FOR 2016

## I. TRAINING

### A. Training Courses & Seminars (Multinational)

#### 1. The 162nd International Senior Seminar

The 162nd International Senior Seminar was held from 13 January to 12 February 2016. The main theme of the Seminar was "Multi-agency Cooperation in Community-based Treatment of Offenders". Fifteen overseas participants and six Japanese participants attended.

#### 2. The 163rd International Training Course

The 163rd International Training Course was held from 18 May to 23 June 2016. The main theme of the Course was "Children as Victims and Witnesses". Twenty-three overseas participants and seven Japanese participants attended.

#### 3. The 164th International Training Course

The 164th International Training Course will be held from late August to late September 2016. The main theme of the Course is "Effective Measures for Treatment, Rehabilitation and Social Reintegration of Juvenile Offenders".

#### 4. The 19th UNAFEI UNCAC Training Programme

UNAFEI's annual general anti-corruption programme, the UNAFEI UNCAC Training Programme, will take place from 12 October to 17 November 2016. The main theme of the Programme is "Effective Anti-Corruption Enforcement (Investigation and Prosecution) in the Area of Procurement".

#### 5. The Tenth Regional Seminar on Good Governance for Southeast Asian Countries

From 26 to 28 July 2016, UNAFEI held the Tenth Regional Seminar on Good Governance in Yogyakarta, Indonesia. The main theme of the Seminar was "Contemporary Measures for Effective International Cooperation".

### B. Training Course (Country Specific)

#### 1. The Comparative Study on Criminal Justice Systems of Japan and Nepal

The Comparative Study on Criminal Justice Systems of Japan and Nepal (7 to 17 March): Ten Nepalese participants attended to study and compare effective measures to expedite criminal procedure (including investigation, prosecution and trial).

#### 2. The Third UNAFEI Criminal Justice Training Programme for French-Speaking African Countries

From 15 to 26 February 2016, UNAFEI co-hosted the Third Criminal Justice Training Programme for French-Speaking African Countries in Abidjan, Cote d'Ivoire. The themes of the Programme were enhancing the capacity of investigation, prosecution, advocacy, and adjudication and the criminal justice response to organized crime and terrorism.

#### 3. The Seminar on Developing Standards on Community-based Treatment in ASEAN

From 2 to 4 March 2016 in Bangkok, Thailand, the Department of Probation of the Ministry of Justice of Thailand (DOP), the Thailand Institute of Justice (TIJ), and UNAFEI hosted the Seminar on Developing Standards on Community-based Treatment in ASEAN: Focusing on Treatment for Drug Use / Dependence Offenders.

#### 4. Training Seminar for Prison Officials in Myanmar, the Second Session of 2015 and the First Session of 2016 in Mandalay and Yangon (Insein)

During June and July 2016, the Training Seminar for Prison Officials took place in Myanmar. The Seminar included training sessions for prison officials on international standards and norms, offender classification systems and anger management for prison officers and offenders.

## WORK PROGRAMME FOR 2016

5. The Joint Study on the Legal Systems of Japan and Viet Nam 2016 RTI - SPP Exchange Programme (Japan Session)

From 4 to 14 July 2016, UNAFEI hosted The Joint Study on the Legal Systems of Japan and Viet Nam 2016 RTI - SPP Exchange Programme in Tokyo, Japan. The Programme explored the recent amendments to the Vietnamese Code of Criminal Procedure.

6. Training Seminar for Prison Officials in Myanmar, the Second Session of 2016

In November 2016, the Training Seminar for Prison Officials will take place in Mandalay and Yangon (Insein), Myanmar. The Seminar will include training sessions for prison officials on international standards and norms, offender classification systems and anger management for prison officers and offenders.

7. The Joint Study on the Legal Systems of Japan and Vietnam 2016 RTI - SPP Exchange Programme (Viet Nam Session)

In fall 2016, UNAFEI will host The Joint Study on the Legal Systems of Japan and Viet Nam 2016 RTI - SPP Exchange Programme in Viet Nam. The Programme will explore the recent amendments to the Vietnamese Code of Criminal Procedure.

8. The Study Tour for Prison Officers in Myanmar

In September 2016, the Training Seminar for Prison Officials will take place in Tokyo, Japan. The Director General of the Myanmar Prisons Department and a delegation of prison officials will visit Japan to research and tour Japanese correctional facilities.

9. The Third Training Programme on Legal Assistance for Viet Nam

In December 2016 in Tokyo, Japan, UNAFEI will host the Third Training Programme on Legal Assistance for Viet Nam.

ANNUAL REPORT FOR 2015

**Distribution of Participants by Professional Backgrounds and Countries**

(1st International Training Course - 163rd International Training Course, U.N.Human Rights Courses and 1 Special Course)

Country/Area	Judicial and Other Administration	Judge	Public Prosecutors	Police Officials	Correctional Officials (Adult)	Correctional Officials (Juvenile)	Probation Parole Officers	Family Court Investigation Officers	Child Welfare Officers	Social Welfare Officers	Training & Research Officers	Others	Total
Afghanistan	11	9	6	5		1							32
Bangladesh	24	15		20	5	1	4			5		2	76
Bhutan				18									18
Brunei	4				2								6
Cambodia	1	3	1	7	1								13
China	13	5	5	10							8		41
Georgia				1									1
Hong Kong	19			12	30	3	9		1	3	1		78
India	15	10		55	7	1	1			2	6	4	101
Indonesia	23	22	33	33	14		3			6		2	136
Iran	5	12	8	8	6						2	1	42
Iraq	6	3	3	8	5	5					2		32
Jordan		1	3	6	1								11
Korea	13	3	53	6	33	4					3		115
Kyrgyzstan	1			1									2
Laos	11	8	7	10									36
Malaysia	21	2	7	48	37	8	3		1	5	3	1	136
Maldives	2	3	5	3	2		2						17
Mongolia	2		1	3							2		8
Myanmar	10	1	1	7	3								22
Nepal	37	18	17	32								3	107
Oman			1	4									5
Pakistan	20	12	2	44	8	1	2				2	2	93
Palestine	2		1	1			1			1			6
Philippines	20	9	29	40	10	3	16	3	1	7	5	7	150
Saudi Arabia	5			7	3						1	1	17
Singapore	11	18	5	12	10	3	10			3	1	1	74
Sri Lanka	22	20	18	22	20	1	11		1	3		1	119
Taiwan	12	4	2	2	1								21
Tajikistan	1	1											2
Thailand	28	48	44	18	21	9	18	1		8	5	1	201
Turkey	2	1	1	2							1	1	8
United Arab Emirates	1												1
Uzbekistan		2										1	3
Viet nam	15	5	5	8	1					4	5		43
Yemen	2			2									4
<b>A S I A</b>	<b>359</b>	<b>235</b>	<b>258</b>	<b>455</b>	<b>220</b>	<b>40</b>	<b>80</b>	<b>4</b>	<b>4</b>	<b>47</b>	<b>47</b>	<b>28</b>	<b>1,777</b>
Algeria		4	2										6
Botswana	2		1	5	2					1			11
Cameroon	4		1										5
Cote d'Ivoire		5	2	2									9
Democratic Republic of the Congo	2	1	2	2									7
Egypt	1	3	1	3							3	1	12
Ethiopia	3			2									5
Gambia				2									2
Ghana	1		1	5	1								8
Guinea	2		1	4									7
Kenya	13	6	2	13	10	2	17				2		65
Lesotho				1			2						3
Liberia											1		1
Madagascar				1									1
Malawi			1										1
Mali			1										1
Mauritius		1											1
Morocco		1	1	4							1	1	8
Mozambique	1			1	1								3
Namibia			1	1	1								3
Niger			1										1
Nigeria	1			6	7							1	15
South Africa				4	3					1	1		9
Seychelles				4			1						5
Sudan	2		1	13	1		1				2		20
Swaziland				2									2
Tanzania	4	3	7	9	2								25
Tunisia		1		1									2
Uganda			1	5								1	7
Zambia		1		6									7
Zimbabwe	1		3	8									12
<b>A F R I C A</b>	<b>37</b>	<b>26</b>	<b>30</b>	<b>104</b>	<b>28</b>	<b>2</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>10</b>	<b>4</b>	<b>264</b>
Australia			1				1			1			3
Cook Islands	1						1						2
Fiji	6	1	9	21	17					1			55
Kiribati	1												1
Marshall Island	1			4									5
Micronesia				1			1						2
Nauru				1	1								2
New Zealand	1			1									2
Palau				2	1								3
Papua New Guinea	13	1	4	23	10		6			1		4	62
Samoa	4			2			2					1	9
Solomon Islands	3		2	2	1								8
Tonga	2	1		7	4		4				1		19
Vanuatu			1	4	2		1						8
<b>THE PACIFIC</b>	<b>32</b>	<b>3</b>	<b>17</b>	<b>68</b>	<b>36</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>181</b>
Antigua and Barbuda				1			1						2
Argentina	2	2	0	2								1	7
Barbados				2			1						3
Belize	1			2									3
Bolivia		1										1	2
Brazil	3	1	14	28	3				1	1			51
Chile	1		1	4	2								8
Colombia	3	1	2	6					1			1	14
Costa Rica	3	5									1	2	16
Dominican Republic				1									1
Ecuador			1	4		1							6
El Salvador	2	1		5	1						1	1	11
Grenada				1									1
Guatemala	1			1	1							1	4
Guyana				3	1								4
Haiti				1									1
Honduras			2	8								1	11
Jamaica	3			1	5	1							10
Mexico	2			2								1	5

## DISTRIBUTION OF PARTICIPANTS

Nicaragua		1											1
Panama			6	4								2	12
Paraguay	1		1	9		1							12
Peru	4	10	4	4	1					1	2		26
Saint Christopher and Nevis			1	1									2
Saint Lucia	1			1	1								3
Saint Vincent				2									2
Trinidad and Tobago	1				1								2
U.S.A.								1					1
Uruguay				3									3
Venezuela	1		1	12							1		15
<b>NORTH &amp; SOUTH AMERICA</b>	<b>29</b>	<b>22</b>	<b>38</b>	<b>108</b>	<b>16</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>13</b>	<b>239</b>
Albania	1			2									3
Azerbaijan	1												1
Bulgaria				1									1
Estonia			1										1
Former Yugoslav Republic of Macedonia	2												2
Hungary	1												1
Lithuania				1									1
Moldova				1									1
Poland				1									1
Ukraine	1	1	4										6
<b>E U R O P E</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18</b>
<b>United Nations Office on Drugs and Crime</b>													<b>1</b>
<b>J A P A N</b>	<b>118</b>	<b>200</b>	<b>319</b>	<b>108</b>	<b>103</b>	<b>98</b>	<b>222</b>	<b>69</b>	<b>38</b>	<b>2</b>	<b>48</b>	<b>84</b>	<b>1,409</b>
<b>T O T A L</b>	<b>581</b>	<b>487</b>	<b>667</b>	<b>849</b>	<b>403</b>	<b>143</b>	<b>341</b>	<b>74</b>	<b>44</b>	<b>55</b>	<b>110</b>	<b>135</b>	<b>3,889</b>

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## MAIN STAFF OF UNAFEI

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### Directorate

Mr. YAMASHITA Terutoshi	Director
Mr. MORINAGA Taro	Deputy Director

### Faculty

Mr. YUKAWA Tsuyoshi	Professor
Ms. WATANABE Ayuko	Professor
Mr. MORIYA Kazuhiko	Professor, Chief of Training Division
Mr. HIROSE Yusuke	Professor
Mr. YOSHIMURA Koji	Professor
Mr. NAGAI Toru	Professor, Chief of Research Division
Mr. MINOURA Satoshi	Professor
Ms. AKASHI Fumiko	Professor, Chief of Information and Public Relations
Mr. TSUJI Takanori	Professor
Mr. Thomas L. SCHMID	Linguistic Adviser

### Secretariat

Mr. ANDO Hiromitsu	Chief of Secretariat
Mr. SHOJIMA Naoki	Chief of General and Financial Affairs Section
Mr. ITO Jin	Chief of Training and Hostel Management Affairs Section

AS OF 31 DECEMBER 2015

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**2015 VISITING EXPERTS**

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**THE 159TH INTERNATIONAL SENIOR SEMINAR**

Dr. Bonita Veysey

Professor  
School of Criminal Justice  
Rutgers University  
USA

Ms. Bernadette Alexander

Deputy Director / Chief Probation Officer  
Rehabilitation & Protection Services  
Ministry of Social and Family Development  
Singapore

**SECOND UNAFEI CRIMINAL JUSTICE TRAINING PROGRAMME FOR  
FRENCH-SPEAKING AFRICAN COUNTRIES**

Mr. Pierre LAPAQUE

Regional Representative  
Regional Office for West and Central Africa  
UNODC

Mr. Marc SOMMERER

Vice-président chargé de l'instruction /  
Juridictions inter-régionales spécialisée (JIRS),  
Tribunal de Grande Instance de Paris

**THE 160TH INTERNATIONAL TRAINING COURSE**

Dr. Kim-Kwang Raymond CHOO

Senior Lecturer  
University of South Australia  
Australia

Mr. Fernando FERNANDEZ LAZARO

Coordinator  
Digital Forensics Laboratory,  
INTERPOL Digital Crime Centre,  
INTERPOL Global Complex for  
Innovation (IGCI)  
Singapore

Mr. HONDA Yuki

Digital Crime Officer  
Cyber Fusion Centre, Digital  
Crime Investigative Support Sub  
Directorate, INTERPOL Digital  
Crime Centre, INTERPOL Global  
Complex for Innovation (IGCI)  
Japan

Prof. Dr. Marco GERCKE

Director  
Cybercrime Research Institute  
Germany

**THE 161ST INTERNATIONAL TRAINING COURSE**

Mr. Gary Hill	Chief Executive Officer/President CEGA Services/Contact Center, Inc. U.S.A.
Dr. Matti Joutsen	Director European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) Finland

**THE 18TH UNAFEI UNCAC TRAINING PROGRAMME**

Mr. Richard Findl	Chief Judge Lundshut District Court Germany
Mr. Sai Chiu Wong	Former Deputy Commissioner and Head of Operations Independent Commission Against Corruption Hong Kong

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**2015 UNAFEI PARTICIPANTS**

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**THE 159TH INTERNATIONAL SENIOR SEMINAR**

**Course Counsellor**

Mr. Santi RITTIRAT

Expert in Supervision  
Department of Probation  
Ministry of Justice  
Thailand

**Overseas Participants**

Mr. Mohammad Anwar MONIRI

General Manager of Biometrics  
Biometric  
CID Ministry of Interior  
Afghanistan

Mr. Mohammed Rabiul ISLAM

Superintendent of Juvenile Development  
Centre  
Department of Social Services  
Ministry of Social Welfare  
Bangladesh

Mr. Mauricio Gotardo GERUM

Federal Circuit Prosecutor  
4th Region Office of Federal Circuit  
Prosecution  
Federal Prosecution Service  
Brazil

Mr. Marcus Castelo Branco Alves  
SEMERARO RITO

Coordinator of Development and  
Consolidation of Normative Acts and  
Advisor to the Board of Prison Policies  
National Penitentiary Department (DEPEN)  
Ministry of Justice

Mr. ALLA Kouame

Judge for Sentence Enforcement  
Court of First Instance in Plateau, Abidjan  
Ministry of Justice, Human Rights and Public  
Liberties  
Cote d'Ivoire

Mr. SAM Jean Claude

Assistant Manager and Judge  
Cell for the Elaboration and Execution  
Reforms for the Ministry of Justice  
Ministry of Justice, Human Rights and Public  
Liberties  
Cote d'Ivoire

Mr. Omar Qais ALKARKHI

Director, Legal Department  
Ministry of Interior/DIYALA Police  
Iraq

## ANNUAL REPORT FOR 2015

Mr. Kennedy Odhiambo ACHUNGO	Chief Probation Officer Probation Department of Probation and Aftercare Service Kenya
Ms. Lydiah Wanjiru KARIUKI	Chief Probation Officer Division of Aftercare Department of Probation and Aftercare Service Kenya
Mr. TEYUN Thian Eim	State Director Parole and Community Services Prison Department of Malaysia Malaysia
Mr. Nor Haizan MD ISA	Superintendent of Prison Parole and Community Service Prison Department of Malaysia Malaysia
Ms. Odongerel BIRAA	Senior Lecturer The Judicial Research, Information and Training Center The Judicial General Council Mongolia
Ms. Bulgan DOLGORSUREN	Instructor at Faculty of Social Sciences Institute of Police The Law Enforcement University of Mongolia Mongolia
Mr. Paul Jeb Swanji WAGUN	Juvenile Justice Director Juvenile Justice Directorate/Branch Department of Justice & Attorney General Papua New Guinea
Mr. Rodrigo Garcia MANUEL Jr.	Regional Director Parole and Probation Administration Department of Justice Philippines
Mr. Abdulsalam Ali Saleh Hussein ADDALE	Deputy/General Director for Planning and Organization Rehabilitation and Reform Authority Ministry of Interior Yemen
<b>Japanese Participants</b>	
Mr. FUCHIGAMI Yasuro	Deputy Superintendent Kakogawa Juvenile Training School
Mr. FUJIKAWA Hiroshi	Chief Family Court Probation Officer Miyazaki Family Court

## APPENDIX

Mr. MURAKI Yasuhiro	Chief Probation Officer Tokyo Probation Office
Ms. OGUNI Mariko	Principal Supervisor Tochigi Prison
Ms. SHIINA Miyuki	Chief Inspector Saitama Prefecture Police
Mr. TETSUKA Toru	Director of the General Affairs Division Kyushu Regional Parole Board
Ms. YAMAGUCHI Atsuko	Public Prosecutor Tokyo District Public Prosecutors Office

### **SECOND CRIMINAL JUSTICE TRAINING PROGRAMME FOR FRENCH-SPEAKING AFRICAN COUNTRIES**

#### **Overseas Participants**

Ms. KANZIE Antoinette	Assistant Prosecutor General Prosecutors' Office of Court of Appeal of Ouagadougou Burkina Faso
Mr. SANKARA Bonswinde	Deputy Police Superintendent Central Police of the City of Ouagadougou Burkina Faso
Mr. YAMEOGO Romuald	Judge Court of Grand Instance of Ouagadougou Burkina Faso
Mr. OUEDRAOGO Hugues	Deputy Public Prosecutor of the Republic Prosecutors' Office Court of Grand Instance of Ouagadougou Burkina Faso
Mr. DIANE Hassane	Government Attorney / Officer in Charge of Education Minister's Office, Ministry of Justice, Human Rights and Public Liberties Cote d'Ivoire
Mr. DJEDJET-GOLLY Séraphin Bogard	Judge / Vice-President Commercial Court of Abidjan Cote d'Ivoire
Mr. KOUAME Guy Patrick	Deputy Public Prosecutor Tribunal of First Instance in Yopougon, Abidjan Cote d'Ivoire

## ANNUAL REPORT FOR 2015

Mr. KOFFI Goua	Police Superintendent / Head of Business Law Violation and Corruption Section Financial and Economic Investigation Department, National Police Cote d'Ivoire
Mr. BIDEKO Murhabazi Juvenal	Deputy Director General Directorate General of Schools and Training of Congolese National Police Democratic Republic of Congo
Mr. KATANGA MUAMBA Leon	First Deputy Prosecutor of the Republic Prosecutors' Office of the Tribunal of Grand Instance of Kinshasa / N'djili Democratic Republic of Congo
Mr. NGOIE Mutombo Jean Claude	Prosecutor High Judicial Council Democratic Republic of Congo
Mr. SANGWA Nyembo Guylain	Urban Police Superintendent Urban Police of Mont-Amba Congolese National Police Democratic Republic of Congo
Mr. COULIBALY Abdoulaye	Police Superintendent Security, Ministry of Internal Security and Civil Protection Mali
Mr. Mahamadou Bandjougou DIAWARA	Prosecutor of the Republic Court of Grand Instance of the Fourth Commune of the District of Bamako Mali
Mr. Amadou TOURE	Judge / Vice-President Court of Grand Instance of the Third Commune of the District of Bamako Mali
Mr. AHMED Issa Mohamed	Investigative Judge / Coordinator of Anti- Terrorist Section Mauritania
Mr. AHMED YOURA Mouhamed Baba	Police Superintendent Special Department of Judicial Police of the National Police Mauritania
Mr. M'BERIK Bah Elbar	Head of Commercial Chamber at Appeal Courts Mauritania
Mr. AMADOU ZAKI Moussa	First Deputy Prosecutor Special Department of the Court of First Instance of Niamey Niger

APPENDIX

Mr. MALAM ARGI Mamadou	Investigation Officer Criminal Investigation Department General Direction of Judiciary Police Niger
Mr. MANIROU Maman	Investigating Judge of the Special Unit for Terror Court of the First Instance of Niamey / Judicial Section Specialized on the Matter of Counter-Terrorism Niger
Mr. Ibrahima Hamidou DEME	Deputy Prosecutor General Prosecutor General's Office of the Court of Appeal in Dakar Senegal
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### GOVERNMENT POLICIES AND PRACTICES THAT SUPPORT SUCCESSFUL RE-ENTRY OF JUSTICE-INVOLVED INDIVIDUALS

*B. Diane Williams\**

#### I. INTRODUCTION

The United States is often referenced as the “incarceration nation”. Given the number of people under criminal justice supervision in the United States a more appropriate moniker might be the “corrections nation”. The United States’ system of punishment is enforced by our corrections system which is not only made up of prisons and jails but also includes community corrections agencies.

At the end of 2014 there were approximately 6,851,000 adults under corrections supervision in the United States, about 1 in 36 adults.<sup>1</sup> This number represents a decrease of 52,200 (0.7 percent) from year-end 2013. It is also the lowest rate the U.S. has experienced since 1996. The number of prisoners held by state and federal correctional authorities on December 31, 2014 was approximately 1,561,500, a decrease by 15,400 (down 1 percent from year-end 2013.<sup>2</sup> The great majority of the population is men. However, the number of women in prison who were sentenced to more than 1 year increased by 1,900 (up 2 percent) in 2014, from 104,300 in 2013 to 106,200 in 2014.<sup>3</sup> The number of women in the criminal justice system has been growing at a rate of 3.4 percent per year. However, the important figure to note for purposes of this paper is the 5,289,500 people who were serving their sentences under community supervision at year-end 2014.

The U.S. federal government and the states have been engaged with sentencing reform over the past ten years, and community supervision and other alternatives to incarceration have been more readily applied.<sup>4</sup> National nonprofit groups like the Council of State Governments Justice Center, Urban Institute, The Pew Charitable Trusts, Vera Institute of Justice and many other organizations have partnered with federal and state government agencies to design and implement programmes to reduce the number of people incarcerated. Since 2007, the correctional population has been decreasing on average 1 percent each year.<sup>5</sup> While this would appear to be a small decrease, in fact, it is having a significant impact across the country with fewer people serving prison or probation sentences. These changes are the result of a momentous national effort to be smarter about public safety at every point on the continuum of the criminal justice system.

There was a shift of focus in the United States’ public safety analysis. The U.S. has looked more closely at the sequence of events within our criminal justice system where change in policy and practice could influence the number of individuals who enter the corrections system.<sup>6</sup> Relevant points of contact within the criminal justice system include entry, prosecution, adjudication/sentencing, and corrections. It also

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<sup>1</sup>Kaebler, D., Glaze, L., Tsoutis, A., & Minton, T. “Correctional Populations in the United States, 2014” (NCJ 249513). Bureau of Justice Statistics. December 2015. Accessed 2016, January 10. <<http://www.bjs.gov/content/pub/pdf/cpus14.pdf>>.

<sup>2</sup>Carson, Anne E. “Prisoners in 2014.” Bureau of Justice Statistics. September 2015. Accessed 2016, January 10. <<http://www.bjs.gov/content/pub/pdf/pl4.pdf>>.

<sup>3</sup>Kaebler et al., *op. cit.*, p. 4.

<sup>4</sup>See The Pew Charitable Trusts chart entitled, “Sentencing and Corrections Reforms in Justice Reinvestment States” Updated June 2015. Accessed 2016, January 10. <[http://www.pewtrusts.org/~media/assets/2015/06/sentencing\\_corrections\\_reforms\\_justice\\_reinvestment\\_states.pdf](http://www.pewtrusts.org/~media/assets/2015/06/sentencing_corrections_reforms_justice_reinvestment_states.pdf)>.

<sup>5</sup>The Pew Charitable Trusts. “State, Federal Prison Populations Decline Simultaneously for First Time in 36 Years.” September 17, 2015. Public Performance Project. Accessed January 10, 2016. <<http://www.pewtrusts.org/en/research-and-analysis/analysis/2015/09/17/state-federal-prison-populations-decline-simultaneously-for-first-time-in-36-years>>.

<sup>6</sup>See U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Criminal Justice System Flowchart. Accessed 2016, January 10. <<http://www.bjs.gov/content/largechart.cfm>>.

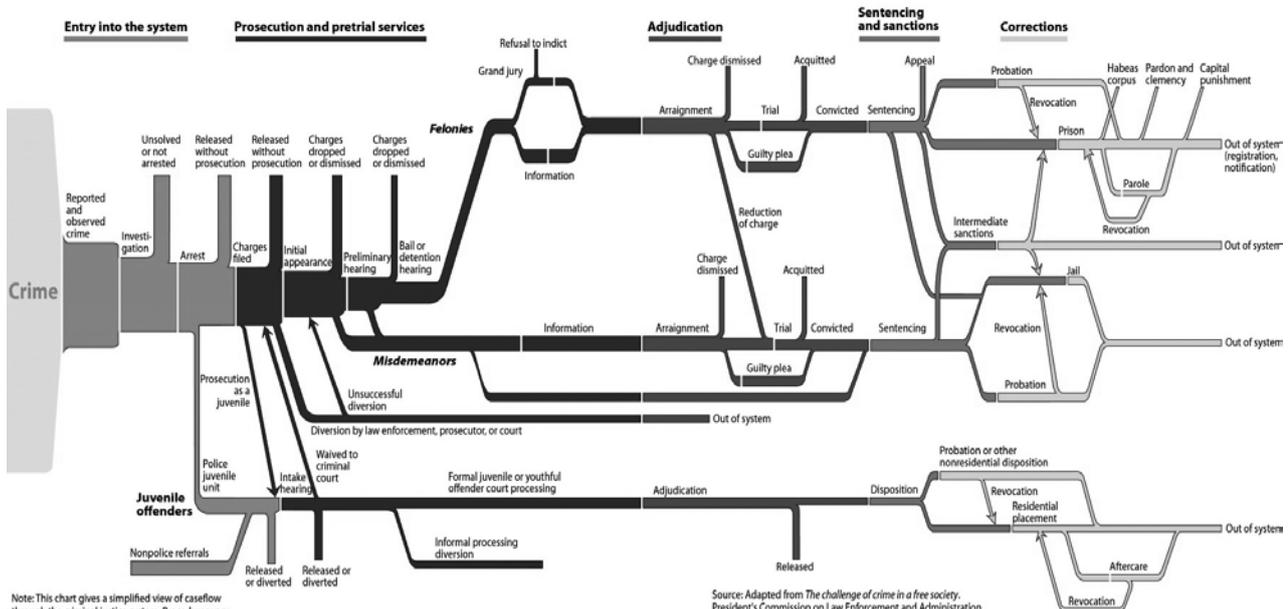
analyzed the incarcerated population, why they were incarcerated, how long they were incarcerated, and what the recidivism rates were after their release. The majority of the correctional population had nonviolent drug related convictions or histories of drug use that influenced their criminal behaviour. Too many prisoners were serving mandatory minimum sentences although 95% of them would be released from prison at some point.<sup>7</sup>

The recidivism rate was stagnant with nearly 70 percent of individuals getting rearrested within three years.<sup>8</sup> However, there were fewer (55.4 percent) who were actually convicted of a new offense and returned to jail or prison.<sup>9</sup> Re-arrests did not always denote commission of a new crime and earlier recidivism analysis included individuals who violated supervision requirements such as breaking curfews, failing drug screens, or not paying fines.

Moreover, many individuals with criminal records were facing federal and state legal barriers to successful re-entry in addition to addressing their own personal challenges. There are nearly 45,000 statutory civil consequences of criminal convictions that exist.<sup>10</sup> These legal restrictions serve as collateral sanctions outside of the penal system and restrict people with criminal convictions from qualifying for certain jobs, obtaining housing assistance, receiving public assistance, or other essential services. Furthermore, most states do not limit public access to criminal record information subjecting individuals with criminal records to lifelong bias and stigma.

Finally, public officials recognized that many formerly incarcerated individuals came from communities that lacked support services, good educational systems, adequate housing, healthcare, or employment opportunities. By 2008 when Congress passed the Second Chance Act of 2007, it was understood that there was a need for a much greater focus and emphasis on developing programmes and providing services that would prepare prisoners for re-entry and provide the additional services and support they would need in

**What is the sequence of events in the criminal justice system?**



Source: Office of Justice Programs, Bureau of Justice Statistics

<sup>7</sup>Hughes, T. & Wilson, D.J. "Reentry Trends in the United States: Inmates returning to the community after serving time in prison." Bureau of Justice Statistics. Accessed 2016, January 10. <<http://www.bjs.gov/content/reentry/reentry.cfm>>.

<sup>8</sup>National Institute of Justice. "Recidivism." N.d. Accessed 2016, January 10. <<http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx>>.

<sup>9</sup>Ibid.

<sup>10</sup>American Bar Association. "Collateral Consequences are Threat to Public Safety, ABA tells task force." July 2014. ABA Washington Letter. Accessed 2016, January 10. <[http://www.americanbar.org/publications/governmental\\_affairs\\_periodicals/washingtonletter/2014/july/collateralconsequences.html](http://www.americanbar.org/publications/governmental_affairs_periodicals/washingtonletter/2014/july/collateralconsequences.html)>.

the community. The Second Chance Act was enacted to break the cycle of criminal recidivism; improve public safety; and help state, local, and tribal government agencies and community organizations respond to the rising populations of formerly incarcerated people who were returning to their communities.

The passage of this national legislation served as a message that people who make mistakes deserve a second chance and that public safety is a national concern that requires public and private partnerships to maintain. Nationally, a new effort arose to promote policies on every level of government that would support successful re-entry of justice involved individuals.

## II. SUCCESSFUL RE-ENTRY

Re-entry is the process of rehabilitation and reconnection to community. It involves ensuring that justice involved individuals act as responsible citizens and have the support to do so. There are several elements of re-entry that are important to the U.S.'s strategy to help people remain crime free: 1.) access to employment; 2.) access to safe and secure housing; and 3.) access to healthcare. While healthcare is significant, this paper will focus on the first two critical components of re-entry — employment and housing. Federal, state and local governments have addressed the re-entry needs of people in several ways including funding research and programmes, providing technical support to practitioners, reforming legislation and policies that serve as barriers to re-entry, and conducting public education.

Responding to the challenge of re-entry is viewed in two frames—addressing the responsibility of the individual and addressing the responsibility of the public. Successful re-entry requires the individual to commit to rehabilitation and to actively change their behaviour. The individual has to want to change his or her life, be willing to seek the services and do the individual work on and for them that will support that goal. The public's responsibility is to afford individuals the opportunity to pay their debt to society, fully participate in society through work and other civic activities, and receive help when it is needed.

### A. Funding Programs and Increasing Services

In 2003, the U.S. Department of Labor funded the Ready4Work demonstration project to address re-entry challenges faced by newly released formerly incarcerated individuals by providing coordinated employment, case management and mentoring services within community-based organizations and faith-based organizations. The Safer Foundation was an original grantee along with ten other organizations across the country. In 2005, the U.S. Department of Labor and the U.S. Department of Justice implemented a joint initiative called the Reintegration of Ex-Offenders (RExO). It was also created to support employment programmes that include mentoring as part of their services in urban communities. These communities were targeted because in most states prisoners came from and returned to the largest urban cities in the state and due to the sentencing and corrections reforms that were happening, hundreds of thousands of prisoners were expected to be released each year. These individuals were likely to return to communities that were economically depressed and lacked sufficient community resources to support their re-entry needs.

In 2008, the Second Chance Act (SCA)<sup>11</sup> was enacted to authorize federal grants to government agencies and nonprofit organizations to provide re-entry services including employment assistance, substance abuse treatment, housing, family programming, mentoring, victim support, and other services that support corrections and supervision practices aimed at reducing recidivism. The SCA authorized the Prisoner Re-Entry Initiative (PRI), an employment programme that grew out of a pilot programme that had been administered by the U.S. Department of Labor called Ready4Work. The project provided mentoring and other transition services for men and women returning from prison and was a partnership between the U.S. Department of Labor and faith-based and community organizations. PRI expanded Ready4Work and allowed more grant support to faith-based and community organizations that help justice-involved individuals find work, connect with mentors, and avoid relapse into criminal activity.

PRI is another joint initiative between the U.S. Department of Labor (DOL) and U.S. Department of Justice (DOJ). DOJ grants are awarded to State agencies for pre-release services to partner anti-recidivism

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<sup>11</sup> Pub. L. 110-199, Apr. 9, 2008, 122 Stat. 657, known as the Second Chance Act of 2007: Community Safety Through Recidivism Prevention and also as the Second Chance Act of 2007.

efforts with those of faith-based and community organizations. DOL funds are awarded to faith-based and community organizations that provide a variety of assistance to formerly incarcerated men, women, and youth, including workforce development services, job training, counseling, and other re-entry services.

The SCA also assists States and local government entities, in partnership with nonprofit organizations, to establish prisoner re-entry demonstration projects. Demonstration projects include:

- Education, vocational training, and job placement services;
- Coordinated supervision of formerly incarcerated individuals between corrections and housing and mental and physical health care providers; and
- Programmes that encourage formerly incarcerated people to develop safe, healthy, and responsible family and parent-child relationships.

## **B. Training and Technical Assistance for Re-entry Practitioners**

The SCA authorized the creation of a National Re-entry Resource Centre (NRRC),<sup>12</sup> which serves as the primary source of information and guidance in re-entry, advances the use of evidence-based practices and policies and creates a national network of practitioners, researchers, and policymakers invested in reducing recidivism. The NRRC, though administered by the U.S. Department of Justice's Bureau of Justice Assistance, is operated by the Council of State Governments Justice Center, Urban Institute, the Association of State Correctional Administrators, the American Probation and Parole Association, the National Association of Counties, and the Center for Juvenile Justice Reform at Georgetown University's McCourt School of Public Policy. It is a national technical support center that provides technical assistance to Second Chance Act grantees but also partners with more than 150 leading nonprofit organizations and service providers in the re-entry field to participate in systems change across the country.

Providing technical support and training for practitioners who provide re-entry support is a necessary function of government, particularly for those who provide employment services. Leaders should identify all of the various places individuals may go for support with entering or re-entering the workforce. Second, trainings must be developed to educate the various re-entry practitioners from community corrections, workforce, substance use treatment, and case management agencies about the unique challenges faced by workers with criminal records and the role they have in helping individuals to overcome those challenges. Practitioners need to understand background screening processes, state laws concerning access to criminal record information, the rights and obligations of workers and employers, how to counsel job seekers to discuss and document their criminal history on job applications, how to build relationships with employers to create job opportunities for their clients, and how to help an individual manage other challenges and obstacles they may face while in transition.

The National Institute of Corrections (NIC), an agency within the U.S. Department of Justice, Federal Bureau of Prisons, provides training, technical assistance, information services, and policy/programme development assistance to federal, state, and local corrections agencies. NIC was charged with cross-training community corrections officers and workforce development practitioners all across the country on how to support and provide employment assistance to individuals with criminal records. Comprehensive in-person trainings were conducted with teams of corrections and workforce practitioners that would work together in their respective communities. The team participated in the trainings together to ensure each understood their role in employment programming.

## **C. Government Leadership**

Systemic changes require leadership. Government agencies that have some hand in the lives of people must collaborate and be at the table together to determine ways they can collectively support re-entry. They can work together to limit the chance of duplicative efforts, potentially reap cost savings by pooling resources, and streamline service delivery systems for individuals with complex needs. For example, in 2011 the former U.S. Attorney General Eric Holder convened a cabinet-level council called the Federal Interagency Re-entry Council, which represents 20 federal agencies that work towards a mission to:

- make communities safer by reducing recidivism and victimization,
- assist those who return from prison and jail in becoming productive citizens, and
- save taxpayer dollars by lowering the direct and collateral costs of incarceration.

<sup>12</sup> The National Reentry Resource Center's website is <<https://csgjusticecentre.org/nrrc>>.

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The Re-entry Council represents a significant executive branch commitment to coordinating re-entry efforts and advancing effective re-entry policies. It is premised on the recognition that many federal agencies have a major stake in prisoner re-entry. Re-entry Council agencies are taking concrete steps towards not only reducing recidivism and high correctional costs but also improving public health, child welfare, employment, education, housing and other key reintegration outcomes. The first action by the Re-entry Council was to issue several fact sheets they called "Re-entry Mythbusters" to educate prison, jail, probation, community corrections, and parole officials; re-entry service providers and faith-based organizations; employers and workforce development specialists; and states and local agencies.

The Re-entry Mythbusters clarify existing federal policies that affect formerly incarcerated individuals and their families in areas such as public housing, access to benefits, parental rights, employer incentives, Medicaid suspension/termination, and more. Other actions by members of the Re-entry Council include:

- The U.S. Equal Employment Opportunity Commission (EEOC), the agency that enforces the country's national anti-discrimination law, led an effort to issue an update of the guidance that the agency released nearly 30 years ago to discourage employers from establishing blanket bans against hiring people with arrest and conviction records, which could violate Title VII of the Civil Rights Act of 1964.<sup>13</sup> Legal and enforcement actions by the EEOC have forced some large companies in the U.S. to shift their approach to screening job applicants from one that rules out all jobseekers with felonies to a more tailored one that examines the individual's crime and its relevance to the job under consideration.

This guidance came on the heels of the completion of two prominent studies that were funded by the National Institute of Justice, which found that a criminal record reduces the likelihood of a job callback or offer by approximately 50 percent. This criminal record "penalty" was substantially greater for African Americans than for white applicants. The more recent study included Latinos in the test pool and showed they, too, suffer similar "penalties" in the U.S. labor market.<sup>14</sup> In 2012, when the guidance was issued African Americans accounted for less than 14 percent of the U.S. population<sup>15</sup> but 28 percent of all arrests. They were even more highly represented in the incarcerated population, comprising almost 40 percent of those behind bars.<sup>16</sup>

- The U.S. Attorney General issued a letter to all State Attorneys General asking that they identify criminal record collateral consequences and develop a plan for eliminating unjustified barriers to re-entry. Prior to his issuing the letter, the National Institute of Justice funded the American Bar Association, Criminal Justice Section, to create a national inventory of collateral consequences that is an online searchable catalogue of all collateral consequences found in each U.S. jurisdiction. Until then there was no way to identify all of the collateral consequences of a criminal conviction. They found approximately 44,500 collateral consequences that are catalogued in the NICCC database.
- The Secretary of Housing and Urban Development (HUD), the U.S. federal housing agency, issued letters to all Public Housing Authorities and to private landlords that use federal subsidies encouraging them to institute fair housing policies that will not unnecessarily eliminate people with criminal histories from admission consideration. HUD has since issued guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions.<sup>17</sup>

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<sup>13</sup> United States. U.S. Equal Employment Opportunity Commission. "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq." April 25, 2012. Accessed 2016, January 10. <[http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)>.

<sup>14</sup> Pager, D. "The Mark of a Criminal Record" (pdf, 39 pages) Exit Notice, *American Journal of Sociology* 108 (2003): 957-960; Pager, Devah, Bruce Western, and Bart Bonikowski, "Discrimination in a Low-Wage Labor Market: A Field Experiment" (pdf, 23 pages) Exit Notice, *American Sociological Review* 74 (October 2009): 777-779.

<sup>15</sup> Rastogi, S., Johnson, T.D., Hoeffel, E.M. & Drewery, Jr., M.P. *The Black Population: 2010* (pdf, 20 pages), 2010 Census Briefs, Washington, D.C.: U.S. Department of Commerce, U.S. Census Bureau, 2011.

<sup>16</sup> Sabol, W.J., Minton, T.D., & Harrison, P.M. "Prison and Jail Inmates at Midyear 2006" (NCJ 217675). U.S. Department of Justice, Bureau of Justice Statistics, 2011. Accessed 2016, January 10. <<http://www.bjs.gov/content/pub/pdf/pjim06.pdf>>.

Similarly, state and city leaders have assembled re-entry task forces that include a broad range of partners—including state and county officials, community- and faith-based organizations, local educational institutions, business associations and employers, and formerly incarcerated individuals and their families—that come together to share data, strategize on how to address challenges faced by individuals during re-entry, and come up with ideas of how to create opportunities for their success. The first set of tasks for the group is usually to review pertinent research; evaluate areas and populations most in need; issue a report of findings, and develop a strong message to build political will and momentum around the task force’s re-entry efforts. The task force must establish a stated focus, create a clear timeline with set goals, identify common measures of success, designate roles and responsibilities, and maintain consistent and ongoing communication as they work toward achieving their goals.

### III. RE-ENTRY BARRIERS AND SOLUTIONS

As noted above, people with criminal conviction records face numerous barriers to successful re-entry. However, employment and housing are considered the biggest challenges that have the greatest influence over an individual’s success of remaining crime free. Nearly 50 percent of individuals in jails were unemployed at the time of their arrest, and between 60 percent and 75 percent of formerly incarcerated people are jobless up to a year after release.<sup>18</sup> Moreover, homelessness often precipitates incarceration. Individuals incarcerated in jails are 11.3 times more likely to be homeless than the general population and 15 percent of people in prison previously experienced homelessness.<sup>19</sup> While employment is a critical need, housing is the most immediate challenge faced by people leaving prison.

#### A. Employment

The employment challenges faced by the people with criminal records are unique to each individual, though there are some commonalities among various subgroups. The level of difficulty faced by an individual during reintegration is often dictated by the personal, criminogenic,<sup>20</sup> and structural challenges that exist for that individual.

Personal	Criminogenic	Structural
<ul style="list-style-type: none"> <li>● Criminal record</li> <li>● Limited education</li> <li>● Limited and outdated job skills</li> <li>● Lack of transportation</li> <li>● Interpersonal skill deficits</li> <li>● Mental health/substance abuse disorders</li> <li>● Low levels of educational, vocational, or financial achievement</li> <li>● Homelessness</li> </ul>	<ul style="list-style-type: none"> <li>● History of anti-social behaviour</li> <li>● Anti-social personality</li> <li>● Anti-social attitudes</li> <li>● Anti-social peers</li> <li>● Family stressors</li> <li>● Substance abuse</li> <li>● Poor use of leisure time</li> </ul>	<ul style="list-style-type: none"> <li>● Social exclusion</li> <li>● Discrimination</li> <li>● Legal exclusion from certain occupations, e.g., clinical health care</li> <li>● Access to health care</li> </ul>

These individual challenges will determine the types of programmes and the intensity of services that are appropriate to meet a person’s re-entry needs. There are three employment programme models that are used to serve people with criminal histories. The traditional workforce development model includes providing job readiness training, skills training, job placement, and retention services. Transitional Jobs is an employment model that provides job readiness training, subsidized work experience, and support services. Customized employment involves matching a job seeker’s dreams and talents to supported em-

<sup>17</sup> United States. Housing and Urban Development. (2015, November 2). “Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions.” Available at <<http://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-19.pdf>>.

<sup>18</sup> Petersilia, J. *When Prisoners Come Home: Parole and Prisoner Reentry*. Chicago, Ill: University of Chicago Press, 2003; Travis, J. *But They All Come Back: Facing the Challenges of Prisoner Reentry*, Washington D.C.: Urban Institute Press, 2005.

<sup>19</sup> Knopf-Amelung, S. *Incarceration & Homelessness: A Revolving Door of Risk*. In *Focus: A Quarterly Research Review of the National HCH Council*, 2:2. (November 2013). National Health Care for the Homeless Council. Accessed 2016, January 10. <[www.nhchc.org](http://www.nhchc.org)>.

<sup>20</sup> Behaviours or activities associated with crime or criminality.

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ployment opportunities, which builds to a career of choice. It is an individualized exploration of employment interests and needs, which can be facilitated by any of a number of established tools.<sup>21</sup> No matter what employment model is used in a programme that serves job seekers with criminal histories, they must incorporate the following in their service delivery:

- Helping participants review and “clean up” their rap sheets and credit reports. An increasing number of employers rely on background checks to probe an applicant’s criminal history. Some employers may obtain criminal record information directly from the state’s criminal repository of criminal records or through a consumer reporting agency or private background check companies. Inaccurate or very old information as well as information on arrests that did not lead to conviction may give an unnecessarily negative profile of the job applicant. Staff must be familiar with a client’s complete criminal history to conduct appropriate job referrals.
- Helping participants develop realistic short- and long-term career goals. For example, a short-term goal might be focused initially on job retention in a good job in a client’s field of choice, particularly for clients with episodic work histories. A long-term goal would be more focused on education, training, or a certificate needed for advancement in the client’s field of choice.
- Helping participants get necessary documentation such as various forms of identification (i.e., state-issued picture identification, social security card, and birth certificate) they will need to apply for jobs.
- Ensuring participants get personal management training, including reviewing the importance of punctuality and attendance, appropriate attire, the ability to accept criticism, working collaboratively, and work ethic.
- Providing immediate income while preparing and training clients for employment through stipends or paychecks that may cover transportation costs (at a minimum). Payment is also an incentive for participants to attend the programme.
- Providing Post-Employment Services to Promote Job Retention.
- Providing or linking clients to the support services they need to help them retain employment, including addressing child support issues, alcohol and substance abuse problems, housing, child care, and transportation, which can all compromise employment success.
- Providing post-placement or follow-up services that include crisis intervention, continued support and career advancement guidance.
- Forming collaborations with other entities that will enhance and support successful workforce development including community corrections agencies.

Individuals with criminal records not only have to overcome the stigma associated with having a criminal record—even after they have completed their sentence and paid their debt to society—they will often encounter federal and state laws and policies that make successful re-entry much more difficult. There are several re-entry policy reforms that policymakers and advocates are seeking to improve the re-integration of people with criminal histories:

1. Ban the Box: Over 100 local jurisdictions as well as ten states have adopted this hiring policy that prescribes the point at which an employer may inquire about an individual’s criminal record during the hiring process. Recently, President Obama announced that he would remove the question about criminal history from federal government applications to open the door to more opportunities for qualified workers with criminal records to apply for federal employment.

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<sup>21</sup> ICF International under subcontract to Economic Systems Inc. *Customized Employment Works Everywhere*. 2009. U.S. Department of Labor Contract No. DOLQ08942777. Accessed 2016, January 10. <[http://www.dol.gov/odep/documents/vignette\\_v3\\_blue\\_508\\_final.pdf](http://www.dol.gov/odep/documents/vignette_v3_blue_508_final.pdf)>.

2. **Certificates of Rehabilitation:** Approximately 10 states have laws that create a restoration of rights process that provides relief of civil consequences and recognizes an individual's rehabilitation and, thereby, reduce employment sanctions and disqualifications. These certificates in some states will remove statutory bars to jobs and occupational licenses. They are also documents that are issued by an authority that has reviewed the individual's rehabilitation history such as the Board of Parole Review or a judge.
3. **Expungement/Sealing:** Criminal records can plague jobseekers years after the disposition of their case when the records are disseminated to employers indiscriminately and indefinitely. Many states have passed record suppression laws to increase the opportunity for individuals with old or minor offenses and arrests that did not lead to conviction to compete fairly for employment.
4. **Identification:** Formerly incarcerated and even homeless individuals have a difficult time obtaining state identification due to application fees, no other acceptable form of identification, or no transportation to Motor Vehicle offices, which makes it difficult to fully participate in society. Some states have created new procedures through cooperation between Departments of Corrections and Motor Vehicles to ensure easier access to obtaining identification documents and other information needed to secure employment.
5. **Negligent Hiring:** In response to employers' concerns about risks and liability of hiring people with criminal histories, some states have adopted laws, in conjunction with other reforms, to limit the liability of employers that hire people with criminal records.
6. **Employer Incentives:** The federal government has created two employer incentive programmes to encourage them to hire qualified workers with criminal histories. The Federal Bonding Program was created in 1966 to provide Fidelity Bonds that guarantee honesty for "at-risk", hard-to-place job seekers during the first six months of employment. The bond is insurance to protect employers against employee dishonesty and covers any type of stealing: theft, forgery, larceny, and embezzlement. There is no cost to the job applicant or the employer. In most states the bonds are made available through the state agency responsible for workforce matters.<sup>22</sup> Second, the Work Opportunity Tax Credit (WOTC) is a Federal tax credit available to employers for hiring individuals from certain target groups who have consistently faced significant barriers to employment. People with criminal and addiction histories are identified in this group. The tax credit employers can claim depends upon the target group of the individual hired, the wages paid to that individual in the first year of employment, and the number of hours that individual worked. There is also a maximum tax credit that can be earned.<sup>23</sup>

## **B. Housing**

People with criminal conviction records face multiple challenges to securing safe, stable, and affordable housing. While some individuals can return home to families, many are confronted with limited housing options, especially those who suffer with mental illness and/or substance use addiction problems. It is estimated that on average about 10% of parolees are homeless at the time of their release from prison but in urban communities, that number is likely to be higher for individuals who also have histories of drug use and addiction.<sup>24</sup> In the United States, there is a scarcity of affordable and available housing. Furthermore, although there are also legal barriers and regulations that bar individuals with certain types of conviction records from qualifying for tenancy in federally subsidized housing the public's understanding of the law and federal rules often went far beyond the federal bar, which only applies to individuals subject to lifetime registrations under a State sex offender registration programme and anyone convicted of drug-re-

<sup>22</sup> More about the Federal Bonding Program is available at <<http://www.bonds4jobs.com/>>. The programme boasts a 99 percent success rate in helping to restore the insured to a bondable status that allows them to qualify for other commercial bonding with an employer.

<sup>23</sup> The Work Opportunity Tax Credit programme is administered by the U.S. Department of Labor. Other target populations include veterans, public welfare recipients, designated Community Residents (living in Empowerment Zones or Rural Renewal Counties), vocational Rehabilitation Referral, Supplemental Security Income recipients, and Summer Youth Employee (living in Empowerment Zones).

<sup>24</sup> Moraff, C. (2014, July 23). "Housing First" Helps Keep Ex-Inmates Off the Streets (and Out of Prison). *Next City*. Available at <<https://nextcity.org/daily/entry/housing-first-former-prisoners-homelessness>>.

lated criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

Private landlords and public housing agencies have wide latitude and discretion on their selection criteria but often err on the side of total exclusion. They may conduct criminal record checks and deny housing to individuals with conviction records no matter how old or minor the criminal record. A consistent challenge is securing housing for individuals convicted of sex offenses.

The United States has attempted to meet the challenge of creating more housing options for people with criminal histories through public education (dispelling myths about legal restrictions) and encouraging landlords and public agencies to loosen their criminal record restrictions and the developing multiple housing models such as transition and halfway houses that will house people temporarily as they transition to permanent housing. The housing programmes may range from 3 months, 6 months, or up to or over one year as participants receive life skills training, case management, and other services that are necessary to stabilize them in the community while the programme works to transition the individual to their own residence.

Transitional Housing programme structures usually come in three forms. Housing providers may subsidize the cost of the individual's own lease agreement and pay a portion of rent directly to a landlord. Programmes may be the lessors of living residences and sublet the spaces to their clients. The programme is responsible for paying the rent and creates a sublease or rental agreement with their client who then pays an agreed amount to the programme. Finally, the programme may own and operate property that their client rents directly from the programme. The programmes may also provide support services that may include regular staff contact, crisis services or other services to prevent relapse, such as those focusing on mental health, substance abuse, and employment.

In 2004, the U.S. Department of Justice issued the publication, "Guide for Developing Housing for Ex-offenders," that provides a step-by-step approach to developing housing programmes for formerly incarcerated individuals and their families.<sup>25</sup> Organizations are advised to consider five important variables:

- The specific segment of the population to be served.
- The type of housing to be provided.
- The stakeholders to be included in each phase.
- The source and availability of funds.
- Management capacity for the programme.

Other options recommended for developing new housing is to:

- Work with local service providers, investors, and developers.
- Rehabilitate abandoned housing.
- Expand existing local housing programmes.
- Participate in or create a consolidated planning strategy for affordable housing and homelessness.

In the U.S., consolidated planning was designed by HUD to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding.

Governments can also incentivize and spur action through tax credits. For example, in 1986 the Low-Income Housing Tax Credit (LIHTC) programme, which provides an indirect federal subsidy to developers, was created to encourage the investment of private equity in the development of affordable rental housing for low-income households. The tax credit is calculated as a percentage of costs incurred in developing the affordable housing property, and is claimed annually over a 10-year period. It is estimated that since the programme's creation the LIHTC has helped to finance more than 2.4 million affordable rental-housing

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<sup>25</sup> U.S. Department of Justice. Office of Justice Programs. (May 2004). "Guide for Developing Housing for Ex-Offenders" (NCJ 203374). *Community Capacity Development Office*. Accessed 2016, January 10. <<https://www.ncjrs.gov/pdffiles1/203374.pdf>>.

units for low-income households.<sup>26</sup>

Also, cities and counties are passing legislation that creates other incentives for developers of low-income housing such as bonus densities, fee waivers, and streamlined review processes. Some jurisdictions are also experimenting with amending zoning codes to allow alternative affordable housing options such as cottage housing,<sup>27</sup> accessory dwelling units,<sup>28</sup> small lot development or attached houses. The codes include exemptions or provide for flexibility in applying regulations that help reduce the cost of affordable housing production.

#### IV. CONCLUSION

Government can spark a movement toward creating a more coordinated and intentional approach to re-entry that will foster long-term results. It must first evaluate the population and their needs. Review the research to identify what works and what does not work when servicing the population. Where there are gaps in information, fund the development of more research to get better understanding. More importantly, government should serve as a model of the agenda it promotes. People who are directly affected by the criminal justice system should be able to serve as leaders in developing policies that affect their lives and others who have experienced similar challenges. For example, the U.S. Department of Justice named Daryl Atkinson as its first-ever Second Chance Fellow to serve the department as an advisor with personal experience, expertise, and leadership in the criminal justice field — he is a practicing civil rights and criminal defense attorney and is a formerly incarcerated individual.<sup>29</sup> The U.S. Attorney General Lynch noted, “Recognizing that many of those directly impacted by the criminal justice system hold significant insight into reforming the justice system, the Bureau of Justice Assistance — led by Director Denise O’Donnell — released a competitive solicitation that led to Daryl’s selection.”<sup>30</sup>

Every stakeholder should be represented in the planning phase of re-entry initiatives. When working to address employment and housing, several groups should be at the table along with correctional agencies; other city agencies like economic development, human resource administration, housing and homelessness, public health; state and county officials; community- and faith-based organizations, local educational institutions, workforce development agencies; business associations/employers; universities and academics; and most importantly, formerly incarcerated individuals and their families. The primary decision-makers in the community who hold the power about who qualifies for work and for housing—employers and housing owners—must be sought-after partners in the re-entry effort. This group should be formalized through a legislative or administrative action.

National legislation is useful not only for authorizing certain programmes or allowances to spur business support; it can be the message piece that promotes re-entry as a major component of public safety and economic development. Finally, it can also be a message of redemption and the benefit of giving people a second chance. Reducing recidivism and changing lives will require multiple approaches—different programme models, innovation, flexibility—to improve and increase employment and housing outcomes for justice-involved individuals.

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<sup>26</sup> Office of the Comptroller of the Currency. (March 2014). “Low-Income Housing Tax Credits: Affordable Housing Investment Opportunities for Banks.” Available at <<http://www.occ.gov/topics/community-affairs/publications/insights/insights-low-income-housing-tax-credits.pdf>>.

<sup>27</sup> Cottage houses are a grouping of small, single family dwelling units clustered around a common area.

<sup>28</sup> Accessory Dwelling Units (ADU) are small apartments built on a property with a preexisting home as the primary structure. For example, a garage that is converted into livable space. See Ryan, Michael. (2014, December 12) “Using accessory dwelling units to bolster affordable housing.” *Smart Growth America*. Accessed 2016, January 10. <<http://www.smartgrowthamerica.org/2014/12/12/using-accessory-dwelling-units-to-bolster-affordable-housing/>>.

<sup>29</sup> U.S. Attorney General Loretta E. Lynch. (2015, July 30). “Justice Department Announces First-Ever Second Chance Fellow.” Blog. Access 2016, January 15. <<http://www.justice.gov/opa/blog/second-chances-vital-criminal-justice-reform>>.

<sup>30</sup> Ibid.

# EMPLOYMENT AND HOUSING MODELS FOR PEOPLE WITH CRIMINAL RECORDS

*B. Diane Williams\**

## I. INTRODUCTION

In the United States, people with criminal records spend their lifetimes working to overcome personal and structural barriers to community integration and full participation in society. The prevalence of criminal record checks in background screening procedures, the availability of substantial amounts of criminal record information to the public, and lack of protection against discrimination poses many obstacles for people when a person with a criminal record applies for jobs or housing. Most employers and landlords conduct criminal record checks as part of their background screening and selection processes. Depending on their jurisdiction, they may obtain information directly from a government criminal record repository or from a private commercial reporting agency. Criminal records conjure a negative reaction from the public because of concerns about the risk of a person reoffending. At the point that individuals have to undergo a criminal record screen, the hope is when the criminal record is reviewed the applicant would have the opportunity to present evidence of rehabilitation that would be considered and weighed against and above the fact that a criminal record exists.

These structural barriers operate as social and legal exclusions that prohibit or limit opportunities for people with criminal records to move forward and strive to be productive members of society. Though many of these barriers may only be addressed with law and policy changes that promote second chances, some restrictions may be overcome with the help of community service providers that serve as intermediaries and can make strategic connections for their clients. Many justice-involved individuals who lack resources and support will need assistance to address their personal challenges as well as achieve their goals to retain a job and affordable and safe housing.

In the United States, government agencies provide some direct services but they also rely upon community based organizations to help provide reentry assistance to the justice involved population because of the great numbers of people in need of service and the intensity of their service needs. This paper will discuss employment and housing programme models and services that support the re-entry needs of people with criminal records. While it is not an exhaustive list of programmes operating in the United States, these are some that have been recognized nationally for their efficiency, longevity, and successful approaches to helping their clients, many of whom face significant personal challenges and have numerous needs.

## II. EMPLOYMENT

Unemployment among the formerly incarcerated is as high as 50 percent, costing the United States' economy up to \$65 billion annually in lost productivity and harming growth.<sup>1</sup> People who are out of work are more likely to commit new crimes and less likely to support their children or other dependents. Therefore, ensuring everyone who is willing and able to work has a job is an economic and public safety priority for the U.S. The high demand for services requires collaboration between the public and the private sectors.

The United States Department of Labor is the federal agency responsible for fostering, promoting, and developing programmes and services that build and strengthen the economy. The agency provides grants

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<sup>1</sup>Schmitt, J. & Warner, K. (November 2010). Ex-offenders and the Labor Market, p. 2. *Centre for Economic and Policy Research*. Web. Accessed 2016, January 10. <<https://cepr.net/documents/publications/ex-offenders-2010-11.pdf>>.

for various types of workforce development programming to respond to the needs of community residents and special populations. A division of the agency, the Employment and Training Administration, manages the agency's Reentry Employment Opportunities (REO) initiatives, which are a portfolio of grant projects that provide pre- and post-release services to both eligible youth and adult formerly incarcerated populations.

The REO programme provides funding that is authorized as Pilot and Demonstration Projects under the Workforce Investment Act (WIA) of 1998, a federal law that focuses on building the nation's workforce system. Adult REO programmes are designed to serve urban centres and areas with the greatest need. These pilots and demonstration projects are designed to test the effectiveness of successful models and practices found in community and faith-based environments and other government systems, but have not been tested for their adaptability in the public workforce system. The agency works to develop strategies and partnerships that will facilitate the implementation of successful programmes at the state and local levels with the ultimate goal of reducing recidivism and improving the workforce outcomes. REO is designed to strengthen communities through projects that incorporate mentoring, job training, education, legal aid services, and other comprehensive transitional services.

Grants are awarded through a competitive process open to any not-for-profit organization with 501(c)(3) status, unit of state or local government, or any Indian and Native American entity eligible for grants under the Workforce Investment Act, particularly in areas with high poverty and crime rates. However, the U.S. workforce system is also supported by other federal agencies that administer grant programmes to providers who serve justice-involved populations including the U.S. Departments of Justice, Health and Human Services, Housing and Urban Development, and Education. Additionally, the National Institute of Corrections (NIC) is an agency within the U.S. Department of Justice, Federal Bureau of Prisons that provides training in leadership, management and specialized corrections topics for state, local and federal corrections agencies and for community organizations that partner with corrections agencies. NIC covers a broad range of correctional disciplines and topics, including leadership, jail and prison programming, re-entry, and mental health.

Supporting innovation that strengthens and improves community services for the re-entry population is a major contribution of government. The U.S. Department of Justice and U.S. Department of Labor recently partnered with private philanthropic organizations to fund The Integrated Reentry and Employment Strategies Pilot Project that brought together researchers and expert advisors from corrections and workforce development fields to create a Resource-Allocation and Service-Matching tool. The tool is expected to help workforce providers focus on the use of assessments to determine a person's level of job readiness and risk of reoffending. These assessments also detect individuals' responsivity needs (such as mental illness or learning disorders) that can interfere with workforce interventions, and can be used to inform how supervision and programming resources can be properly prioritized for higher-risk individuals. Employment programmes across the country are testing the tool and the results will be used to help policymakers, system administrators, and practitioners collaboratively determine whether resources are being efficiently used to connect the right people to the right workforce interventions at the right time during the provision of employment services.<sup>2</sup>

Programmes that serve workers who are considered "hard to employ" or "hard to serve"<sup>3</sup> are typically equipped to help their clients manage personal challenges that may interfere with getting and keeping a job. These personal challenges, which are not necessarily unique to people with criminal histories, may affect their employability and possibly their commitment to work. Many individuals who come from low income communities will have a need for immediate income in order to survive and may have unrealistic expectations about their wage-earning potential. Some clients may have mental health needs and/or drug

<sup>2</sup>See the Council of State Governments Justice Centre's two-page description of the pilot programme at <<https://csgjusticecentre.org/wp-content/uploads/2015/09/Employment-Pilot-Site-Two-Pager.pdf>>; The corresponding White Paper, *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness* is available at <[https://csgjusticecentre.org/wp-content/uploads/2013/09/Final.Reentry-and-Employment.pp\\_.pdf](https://csgjusticecentre.org/wp-content/uploads/2013/09/Final.Reentry-and-Employment.pp_.pdf)>.

<sup>3</sup>Danziger, Sandra K. & Seefeldt, Kristin S. (2002). "Barriers to employment and the 'hard to serve': Implications for services, sanctions, and time limits." *Focus Vol. 22, No. 1*, Special Issue. Available at <<http://fordschool.umich.edu/research/poverty/pdf/foc221-part3-danziger.pdf>>.

or alcohol addiction issues that have to be managed. Some may have limited or no documented work experience while others may be undereducated with low reading and math skills. Finally, they may need assistance securing stable housing, getting identification, transportation, or addressing civil legal issues such as child support and other family court problems.

When clients are under community supervision and have criminal records there are additional issues that programmes must be prepared to address. Individuals who are under community supervision may have competing mandates and agency obligations like reporting to parole or probation, or participating in certain treatment programmes that could interfere with maintaining a fixed work schedule. They may also have restrictions that limit where they can work or the hours they are available to work. For example, an individual may have a curfew and cannot take second or third shift jobs. Clients also need to understand their criminal record, what they are obligated to disclose to employers and how to appropriately answer questions during interviews and on job applications. When considering job opportunities and career options, programmes must understand the impact a criminal record may have on occupational licensing and industry standards, otherwise career planning and job placement efforts can be futile. Therefore, employment programmes must have service delivery designs that incorporate comprehensive assessment tools.

### **A. Employment Programme Models**

There are three employment programmes that provide model examples that work for large numbers of people in need of employment. The Safer Foundation is a workforce organization that exclusively serves individuals with criminal histories. The organization operates a traditional workforce development programme model with demand skills training as its newest growing component. Pioneer Human Services provides employment and other essential services to individuals considered “hard to employ” and has significant corporate partnerships, blended training, and business operations as part of its workforce development model. Finally, the Center for Employment Opportunities exclusively serves justice-involved populations and provides subsidized transitional work to recently released prisoners.

#### 1. Safer Foundation

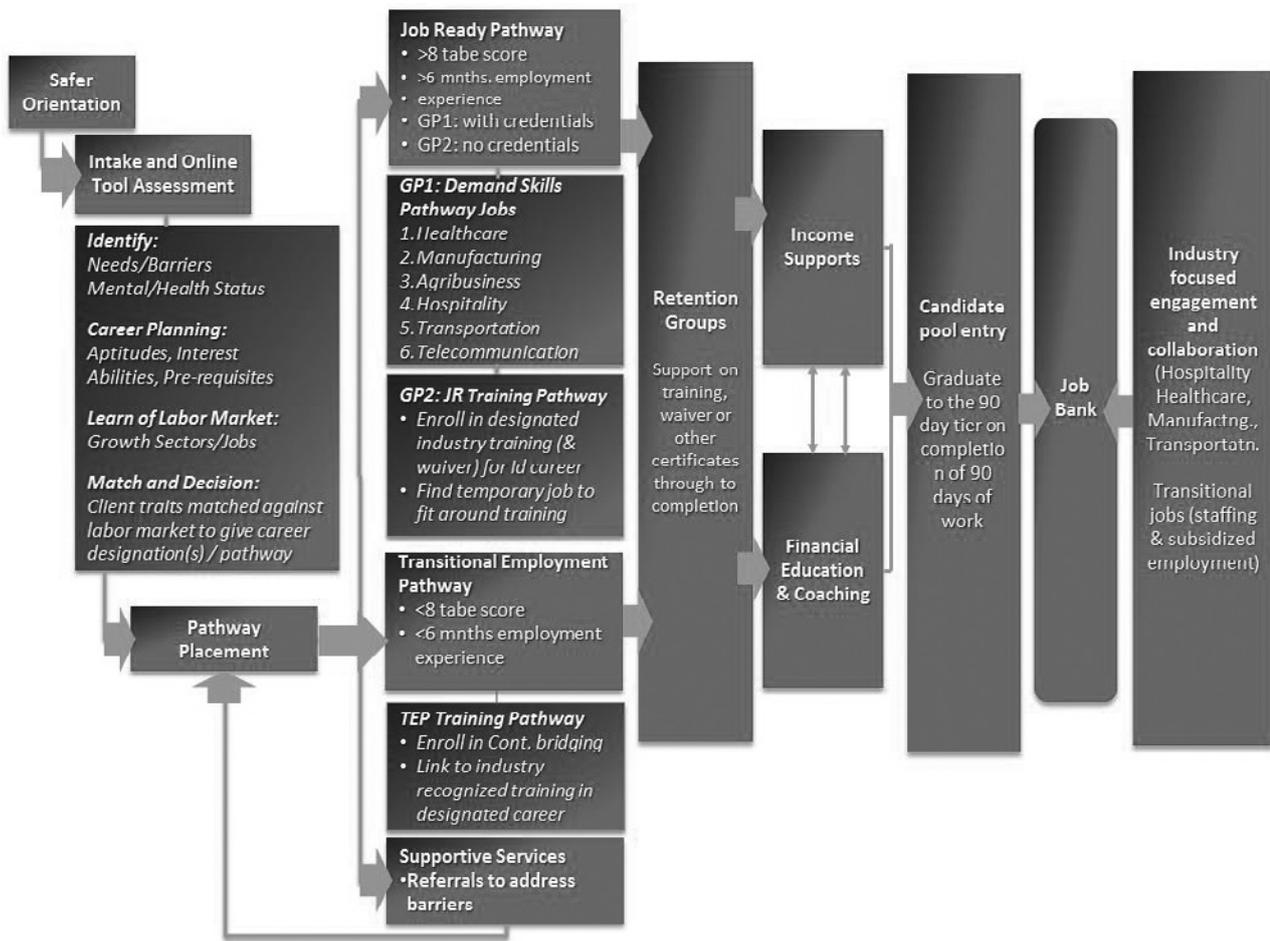
Safer Foundation<sup>4</sup> (Safer) is a not-for-profit agency headquartered in Chicago, Illinois. Safer’s mission is to assist people with criminal records to become law abiding employed citizens in the community thereby reducing the rate at which they return to prison. While not all of Safer’s clients have been incarcerated, they have all been found guilty of committing crimes. Like many agencies, Safer’s clients are predominantly male, minority (in the case of Safer, African American), undereducated, coming from communities with high rates of unemployment, high rates of crime, and single family households. Safer provides an array of services that include:

- Case Management
- Mentoring
- Educational Intervention
- Service Learning
- Industry Training
- Employment Services
- Expungement
- Follow-Up
- Substance Abuse Treatment

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<sup>4</sup>The Safer Foundation’s website is [www.saferfoundation.org](http://www.saferfoundation.org).

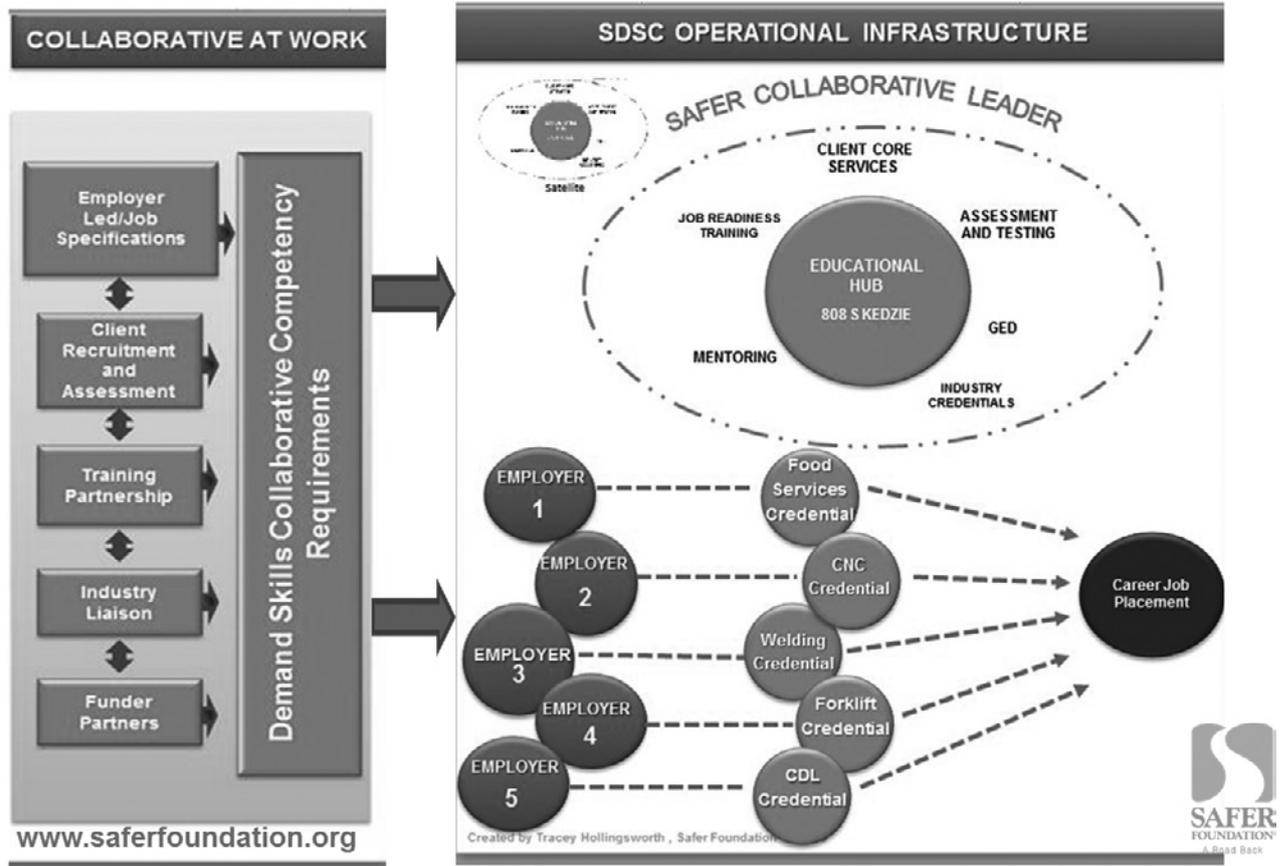
**Safer Foundation’s Screening Process: Retention Services Model**



● Mental Health Services

Private sector employment is the organization’s goal and is accomplished primarily from Safer’s demand-driven workforce development model where the agency helps employers find qualified workers, retain them and increase their skills to increase their effectiveness on the job after placement. Safer’s orientation process includes assessing the client’s needs and identifying any issues that may impede its ability to place the client in a traditional job. In this phase the client is also tested to determine his/her aptitudes, interests, abilities, and pre-requisites. Clients are then placed on one of three pathways to determine their employment service track: “job ready” with or without credentials; transitional employment; or supportive services to first address employment barriers. A “job ready” client who has credentials and a work history is matched to current real-time job opportunities. Clients who do not have credentials but some work history are placed in a skills training programme and connected to temporary employment opportunities that fit around the training schedule. Clients who do not have any skills or work history are placed in time-limited, wage-paying jobs that combine real work, skill development, and support services. The transitional employment provides an opportunity to help them overcome substantial barriers to employment and establish a work record. The transitional employment is through Safer’s staffing company or through other subsidized employment opportunities. Upon completion of the transitional employment phase, the client’s pathway is reassessed for career planning to begin. All of Safer’s clients receive job preparedness training and job coaching services in addition to skills development.

Safer’s Demand Skills Collaborative integrates both its demand-side and supply side workforce development services. Although Safer already has strong relationships in most industries, a strategic decision was made to target industries that needed skilled candidates and had opportunities that could be open to its clients if they received important services like academic bridge programmes<sup>5</sup>, job readiness training,



industry recognized credentials and job placement services. The sectors are categorized as hubs—healthcare, manufacturing, agribusiness, food service/hospitality, transportation, and telecommunications. For example, in Chicago, IL there are thousands of open healthcare positions. In fact, in the United States the healthcare industry is forecasted to have significant worker shortages because of a lack of skilled workers to meet the growing demand for healthcare services.<sup>6</sup> High-tech manufacturing companies are also concerned about trained workers to fill key positions. Safer’s clients have the opportunity to earn credentials and secure careers in fields as diverse as advanced manufacturing, commercial truck driving, welding and new fields like cellular wireless tower engineering and urban and rural farming.

This employer-driven employment model has key processes that lead to job placement, which include identifying high-growth occupations, preparing justice-involved individuals to compete for those jobs by focusing on employers’ expectations for skilled, productive, and dependable employees with good personal management skills, and providing industry-standard training and certifications.<sup>7</sup> The Demand Skill Collaborative partnership consists of businesses that have a demand for labor; training organizations that can deliver industry recognized credentials; a workforce development intermediary to identify and screen qualified candidates and deepen employer relationships; funders to bring resources to the demand-driven model; and industry experts who can provide understanding of terminology, trends, certifications and industry needs. The success of the Collaborative requires the partners to have a deep (and mutual) understanding of the labor market, its needs, issues and potential solutions. This workforce model provides a

<sup>5</sup>Academic bridge programmes provide students with opportunities to acquire knowledge and skills that will increase their transfer eligibility and academic success in a particular field or industry.

<sup>6</sup>Lennon, Chauncey. “Jobs in Health Care on the Rise, but Skills Gap Prevents Hiring: Companies and civil leaders need to collaborate on employment-training opportunities.” Editorial. *USNews.com*. N.p., 17, Feb. 2015. Web. 14, Jan. 2016. <<http://www.usnews.com/news/stem-solutions/articles/2015/02/17/op-ed-jobs-in-health-care-on-the-rise-but-skills-gap-prevents-hiring>>.

<sup>7</sup>National Institute of Corrections. “The Employer-Driven Employment Model for Justice-Involved.” Accessed January 14, 2016. Web. <<http://nicic.gov/employerdrivenemploymentmodel>>.

deeper level of employer engagement, is driven by employers' need to increase outcomes, and is designed to put candidates on a career pathway with a strong outlook that would lead to financial stability. Safer, in the end, can successfully train and place its clients in high demand, higher paying occupations.

## 2. Pioneer Human Services

Pioneer Human Services (Pioneer)<sup>8</sup> is a nonprofit organization that serves people released from prison or jail in Washington State who are in need of treatment, housing and employment services. Pioneer operates re-entry centers and work release facilities to help individuals with a successful transition through an array of services focused on finding and retaining employment, reconnecting with families, overcoming a substance use disorder and other issues.

Pioneer provides job readiness and occupational training through its *Roadmap to Success* programme, a 150-hour training course that is given over a four-and-a-half-week period. The training includes personal management training, including reviewing the importance of punctuality and attendance, appropriate attire, the ability to accept criticism, working collaboratively, and work ethic. It also focuses on skills needed to look for work, including developing job search strategies, navigating questions about criminal history, writing effective resumes and cover letters, and interviewing effectively. The course consists of skill-building exercises to help trainees learn to make better decisions, both within their personal lives and at work, and to maintain a clean and sober lifestyle.

Pioneer's occupational training programmes focus on three industries:

- Manufacturing Academy – provides pre-apprenticeship training to men and women interested in manufacturing. This 10-week course offers the basics in manufacturing and safety to better position candidates for entry-level positions. The Academy uses an accredited curriculum sponsored by the Aerospace Joint Apprenticeship Committee (AJAC) and all graduates receive the following certificates: basic manufacturing; LEAN; forklift driving; flagger; OSHA/MSDS; first aid/CPR.
- Food Services – Training focuses on the specific culinary skills needed to work in a food services position. During the 16-week programme, students receive hands-on training to master the skills needed for planning and preparing food for a restaurant, caterer or commercial kitchen. All graduates receive a ServSafe Certification upon completion.
- Warehouse and Transportation Logistics – Provides training in the basics of inventory and product management, which are needed to successfully work in a distribution center environment. Students earn certificates in the following: OSHA/MSDS; first aid/CPR; and forklift driving. All applicants must be graduates of the *Roadmap to Success* training programme to be eligible for any of the occupational training programmes. This ensures that clients have been prepared and assessed for work readiness.

Pioneer operates two social enterprises that yield both a financial and social return. It has Pioneer Industries, which is an aerospace and commercial manufacturing company that is a full-service sheet metal fabrication and machine shop that operates 110,000+ square feet of manufacturing space. Pioneer Industries' capabilities include comprehensive sheet metal fabrication, machining, finishing, water jet and assembly services for a wide range of current products in the aerospace and commercial industries. The business has access to workers who come through Pioneer Human Services' employment programme who get to receive skills training, receive relevant credentials, and move straight to full-time employment. Pioneer also operates two food services lines of business. Its food buying service provides groceries to food banks and organizations across Washington State, Idaho, Oregon and several surrounding states. Its prepared food division delivers fully cooked meals to many of Pioneer Human Services' residential programmes and other food centers. Both food service lines of business provide work experience for its clients.

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<sup>8</sup>Pioneer Human Service's website is: <<http://pioneerhumanservices.org/>>.

### 3. Center for Employment Opportunities

The Center for Employment Opportunities (CEO)<sup>9</sup> is a not-for-profit workforce development organization that provides employment assistance to people who are under community supervision. The programme includes a five-day pre-employment workshop; resume and interview help with job coaches; three to six months of transitional employment; and job search and job placement. CEO operates a large network of work crews, providing maintenance, janitorial and grounds-keeping services to both public institutions and private companies. CEO participants work on these crews, supervised by CEO staff, and CEO is the employer of record. CEO's work crews serve as an employment lab; teaching participants/employees how to work while they perform valuable tasks and earn a pay check. The employees get paid each day at the end of each shift.

The CEO transitional jobs model has been independently proven to increase public safety: a three-year random assignment evaluation conducted by MDRC showed that CEO made statistically significant impacts on all measures of reducing recidivism.<sup>10</sup> In addition to increasing public safety, the CEO model also demonstrated a return on investment to the taxpayers; for every \$1 spent on CEO's programme there was a \$4 savings through reductions in recidivism and increased employment.

A critical function of transition jobs is the immediate income received by participants and the ability of people who have little to no work experience to have an immediate positive experience that their family can witness. Individuals with recent convictions or who are recently released very often face severe joblessness, have an immediate need for income, and have family responsibilities to take up again. CEO targets this population because these crews provide structure and income, as well as skill-building opportunities that prepare individuals for full-time participation in the workforce. Finally, participants get to work with CEO's team of job development professionals that provide one-on-one job coaching to address any problems or job readiness challenges including a lack of commitment to work, interviewing skills, resolving outside commitments that would prevent full-time work, developing a resume and getting appropriate interview attire.

## III. HOUSING

The United States is working to address the lack of affordable housing facing low income individuals and families living in its urban centers. There are limited numbers of low income housing programmes and affordable housing options, which is the nation's primary cause for homelessness. Homeless individuals who have a criminal history face even greater challenges to securing permanent housing since private landlords and public housing agencies have wide latitude and discretion on their selection criteria for tenants. They may conduct criminal record checks and deny housing to individuals with conviction records no matter how old or minor the criminal record. As a result of these limitations, federal, state and local governments and community-based organizations have had to come up with creative solutions to meet the needs and demands for housing homeless individuals with criminal records.

A programme that serves homeless individuals and families in Boston best describes the challenges faced by many homeless individuals who need, in addition to housing assistance, additional help addressing issues that are attributed to homelessness.

Many homeless individuals have cycled for years between foster homes, DYS [Department of Youth Services], DSS [Department of Social Services] (as youths), shelters, correctional facilities, and marginal housing. Many have also experienced abusive family lives and relationships. Many have never known opportunity or stability and have experienced repeated failure.

Those experiencing homelessness also most often have inadequate health and mental health care, education, job skills, work experience, social supports, and life and coping skills necessary to succeed

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<sup>9</sup>The Center for Employment Opportunities' website is: <<http://ceoworks.org/>>.

<sup>10</sup> Redcross, C., Millenky, M., Rudd, T. & Levshin, V. (2012). *More Than a Job: Final Results from the Evaluation of the Center for Employment Opportunities (CEO) Transitional Jobs Programme*. OPRE Report 2011-18. Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, U.S. Department of Human Services. Available at <[http://www.mdrc.org/sites/default/files/full\\_451.pdf](http://www.mdrc.org/sites/default/files/full_451.pdf)>.

independently in the community. Lasting success is difficult without also helping people address these issues.<sup>11</sup>

The U.S. Department of Housing and Urban Development (HUD) is the federal agency responsible for strengthening the housing market to bolster the economy and protect consumers; meeting the need for quality affordable rental homes; utilizing housing as a platform for improving quality of life; and building inclusive and sustainable communities free from discrimination. HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD oversees several housing programmes and provides grant support to state, local, and tribal governments to provide services directly to their residents. HUD's Continuum of Care Programme, which was authorized under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) of 2009,<sup>12</sup> competitively awards grants for new construction, acquisition, rehabilitation, leasing, rental assistance, supportive services, and operating costs for housing units; homeless management information systems, project administration costs; and Continuum of Care planning and Unified Funding Agency costs. The HEARTH Act consolidated and amended three separate homeless assistance programmes into a single grant programme. The three consolidated programmes are:

- **Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Programme:** Under the SRO programme, HUD enters into annual contributions contracts (ACCs) with public housing agencies (PHAs) in connection with the moderate rehabilitation of residential properties. These PHAs make Section 8 rental assistance payments to participating landlords on behalf of homeless individuals who rent the rehabilitated dwellings. Owners are compensated for the cost of rehabilitation (as well as the other costs of owning and maintaining the property) through the rental assistance payments. At the same time, each unit must need a minimum of \$3,000 of eligible rehabilitation to qualify for the programme.
- **The Shelter Plus Care (S+C) programme** provides rental assistance for homeless people with disabilities, primarily those with serious mental illness, chronic problems with alcohol and/or drugs, and acquired immunodeficiency syndrome (AIDS), and related diseases. Rental assistance grants must be matched in the aggregate by supportive services that are equal in value to the amount of rental assistance and appropriate to the needs of the population to be served. Rental assistance is provided through four S+C components: (1) Tenant-based Rental Assistance (TRA) provides rental assistance to homeless persons who choose the housing in which they reside. Residents retain the assistance if they move; (2) Sponsor-based Rental Assistance (SRA) provides rental assistance through contracts between the grant recipient and a private not-for-profit sponsor or community mental health agency established as a public not-for-profit entity that owns or leases dwelling units in which participants reside; (3) Project based Rental Assistance (PRA) provides rental assistance to the owner of an existing structure where the owner agrees to lease the units to homeless people. Residents do not take the assistance with them if they move; and (4) Section 8 Moderate Rehabilitation for Single Room Occupancy (SRO) Dwellings provides grants for rental assistance.
- **The Supportive Housing programme** is designed to promote the development of supportive housing and supportive services to assist homeless persons in transitioning from homelessness, and to promote the provision of supportive housing to enable homeless persons to live as independently as possible. Grants under the Supportive Housing Programme are awarded through a national competition held annually.

Some large public housing authorities in urban areas around the U.S. have begun to change their policies or develop pilot programmes that allow formerly incarcerated individuals, who were otherwise

<sup>11</sup> Friends of Boston's Homeless. "Moving Beyond Shelter." Web. Accessed 2016, January 10. <<http://fobh.org/what-we-support/>>.

<sup>12</sup> On May 20, 2009, President Obama signed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act into law (Pub.L. 111-22), reauthorizing HUD's Homeless Assistance programmes. It was included as part of the Helping Families Save Their Homes Act of 2009. The HEARTH Act allows for the prevention of homelessness, rapid re-housing, consolidation of housing programmes, and new homeless categories.

classified as ineligible for housing, to return to their family's household. The Chicago Housing Authority is testing a pilot programme that will allow 50 convicted felons to obtain apartments or vouchers.<sup>13</sup> The New York City Housing Authority (NYCHA) initiated a two-year pilot to provide 150 formerly incarcerated individuals with supportive services and permission to be added to their family's lease upon completion of the programme.<sup>14</sup>

## **A. Housing Programme Models**

### **1. Fortune Society**

The Fortune Society is a New York City not-for-profit social service and advocacy organization, founded in 1967, whose mission is to support successful re-entry from prison and promote alternatives to incarceration, thus strengthening the fabric of communities. Fortune has a holistic, one-stop model of service provision that includes: Alternatives to Incarceration (ATI), drop-in services, employment services, education, family services, health services, housing services, substance abuse treatment, transitional services such as the Rikers Island Discharge Enhancement (R.I.D.E.) programme, recreation, and lifetime aftercare. However, it is its housing programme that is notable for this paper.

Many of Fortune's clients were released from incarceration and could not return home to their families for two reasons; the families were either unwilling or unable to accommodate them. It was difficult to place individuals in their own housing because the private rental market New York City, like in other urban centers in the United States, was high and landlords have the discretion to deny housing to applicants with criminal histories. Moreover local public housing for low income individuals and families deny access to individuals with certain criminal convictions.

The Fortune Society decided to develop its own affordable and supportive housing for its clients. It created Fortune Castle Gardens, a \$44 million environmentally friendly building in West Harlem that is Fortune's first permanent housing complex. In 2010 they opened the 11-story building, which has 114 apartments with more than half occupied by people who were formerly incarcerated or homeless; the rest are reserved for low-income residents. Castle Gardens provides its tenants support services such as counseling, case management and financial planning. Castle Gardens adjoins the Fortune Academy, also known as "the Castle." The Castle is a halfway house that provides emergency transitional living space for up to 62 individuals who are recovery from drugs or alcohol and many residents are recently released from prison. The Fortune Society has been providing transitional housing since 2002.

The programme faced community hostility when it attempted to purchase the property for Castle Gardens and faced what is called, "Not in my Back Yard" (NIMBY) challenges. People with criminal histories, particularly with drug and sex crimes, are the most reviled populations. Therefore, Fortune recommends supportive housing developers consider the following:

- Recruiting Board of Directors with expertise in areas such as real estate, project capital management and financial planning;
- Strategically securing a blend of public funds to finance the project that would not interfere with decisions about which clients to serve and what programmes and types of housing to offer;
- Hiring legal, architectural and co-developer partners with appropriate experience and outstanding reputations;
- Developing detailed operational and programme details, including intake and screening procedures, services to be offered, staffing requirements, security needs and operating budgets for the development;

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<sup>13</sup> Bowen, L. (2015, May 23). "Public Housing Initiative Offers Second Chance to Some with Arrest Records." *Chicago Tribune*. Web. Accessed 2016, January 10. <<http://www.chicagotribune.com/news/ct-housing-ex-offenders-met-20150523-story.html>>.

<sup>14</sup> See Corporation for Supportive Housing. "NYCHA Family Reentry Pilot." Web. Accessed 2016, January 10. <<http://www.csh.org/csh-solutions/serving-vulnerable-populations/re-entry-populations/local-criminal-justice-work/nycha-family-reentry-pilot-csh/>>.

- Looking ahead to long-term funding possibilities to sustain the housing programme over time;
- Visiting existing supportive housing facilities to witness first-hand the way they work and their power to transform lives;
- Selecting a suitable location for a congregate supportive housing facility, and;
- Planning a comprehensive community outreach effort.<sup>15</sup>

## 2. Returning Home Ohio

Returning Home Ohio is a supportive housing re-entry pilot that was developed jointly in 2007 by the Ohio Department of Rehabilitation and Correction (ODRC) and the Corporation for Supportive Housing for disabled prisoners returning from state prison to five Ohio cities. The goal of the initiative is to prevent homelessness and recidivism for people identified as being most likely to require housing linked to support services in order to maintain housing such as people who are seriously mentally ill, have a developmental disability, severe addiction, co-occurring disorders, or who have custody of minor children. ODRC has committed over \$5 million that has been used for rental subsidies, tenant assistance, supportive services, programme evaluation, and project management.<sup>16</sup>

ODRC has partnered with eight not-for-profit organizations in five communities to identify a minimum of 84 units of housing for single adults and families. Providers connect programme participants to scattered-site (public housing units spread around a city) and single-site housing and also coordinate the provision of additional services and resources through other community-based organizations. However, in order to support the development of the programme and enhance the housing services provided to individuals in need of support, there were policy changes that needed to take place. The pilot allowed ODRC to fund permanent housing and services and to also serve individuals who were not currently under ODRC supervision. Also, a policy was amended to allow people with conviction records to be an eligible to participate in the rental subsidy programme through the Ohio Housing Finance Agency.

The evaluation of this pilot was completed by the Urban Institute and it found:

- Participants were significantly less likely to be rearrested for misdemeanors.
- Participants were significantly less likely to be re-incarcerated.
- Very few individuals – in either the treatment or control group – used emergency shelter.
- Participants received more community-based services, particularly mental health and substance abuse services.<sup>17</sup>

## 3. Just In Reach

The Corporation for Supportive Housing (CSH) is a not-for-profit organization that has for more than 25 years been providing training and education, lending, consulting, and advocacy to provide housing and important services for individuals and families to achieve stability and transform their lives.<sup>18</sup> In 2014, CSH implemented the *Just In Reach* initiative to connect chronically homeless, frequently incarcerated individuals to permanent housing in order to reduce rates of re-incarceration and to end the cycle of homelessness. The initiative is a revamp of a two year demonstration programme that was funded with public

<sup>15</sup> Fortune Society and John Jay College of Criminal Justice. "In Our Backyard: Overcoming community resistance to re-entry housing (A NIMBY Toolkit), p. 7. (2011). Web. Accessed 2016, January 10. <[http://fortunesociety.org/wp-content/files\\_mf/14313083881395803928137882725004\\_TOOLKIT1NIMBY\\_FINAL\\_Emailable\\_110413.pdf](http://fortunesociety.org/wp-content/files_mf/14313083881395803928137882725004_TOOLKIT1NIMBY_FINAL_Emailable_110413.pdf)>.

<sup>16</sup> Corporation for Supportive Housing. "Returning Home Ohio." Web. Accessed 2016, January 10. <<http://www.csh.org/csh-solutions/serving-vulnerable-populations/re-entry-populations/local-criminal-justice-work/returning-home-ohio/>>.

<sup>17</sup> Fontaine, J., Gilchrist-Scott, D., Roman, R., Taxy, & Roman, C. (August 2012). "Supportive Housing for Returning Prisoners: Outcomes and Impacts of the Returning Home—Ohio Pilot Project." *Urban Institute*. Web. Accessed 2016, January 10. <<http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412632-Supportive-Housing-for-Returning-Prisoners-Outcomes-and-Impacts-of-the-Returning-Home-Ohio-Pilot-Project.PDF>>.

<sup>18</sup> More about Corporation for Supportive Housing is available at <<http://www.csh.org/about-csh/>>.

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and private funds in 2008 in Los Angeles but was abandoned. The *Just In Reach* project also operates in the Los Angeles, California county jail and targets individuals who:

1. Are currently incarcerated and sentenced;
2. Are expected to be discharged from jail in 60-120 days;
3. Have been incarcerated at least 3 times in the past 3 years;
4. Prior to entering jail were homeless continuously for at least 1 year OR on at least 4 separate occasions in the last 3 years; AND
5. Has a diagnosable substance use disorder, serious mental illness, developmental disability, post-traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

The programme uses an intensive case management model to connect the most vulnerable inmates to permanent housing. Staff identify participants and start working with them 2-4 months prior to discharge from jail, release, through temporary housing, into permanent housing and for as long as necessary. The goal is to get participants into permanent housing as soon as possible without the need for them to show "housing readiness" because they work with a multi-agency and inter-disciplinary team that provides wrap-around support. Finally, the programme is data-driven and outcome-oriented. Support services include:

- Needs assessment and intensive case management
- Temporary housing immediately upon release from jail
- Permanent housing placement and short-term rental assistance
- Employment assistance (individualized and group)
- Benefits enrollment
- Mental health services
- Connection to drug and alcohol treatment
- Mentoring and other community support
- On-going services even once placed in housing

#### 4. Pioneer Human Services

Pioneer Human Services, the not-for-profit organization also featured in the employment section of this paper, owns and operates more than 850 housing units in four counties in Washington State. Pioneer provides transitional and permanent housing rental programmes for people with criminal histories or participating in recovery programmes. Its transitional housing programme provides services to homeless adult men and women exiting jails, hospitals, crisis centers, or inpatient treatment facilities. Individuals are required to pay a service fee of 30% of their income, or zero with no income and must be committed to compliance with case management and individual case management plans for more permanent housing. Case management includes counseling and treatment, vocational programmes and employment services are available to help residents successfully join the workforce. Pioneer's transitional housing, also called sober housing, requires residents to agree to be monitored through urinalysis and breathalyzers.

Pioneer has a number of permanent housing options in neighborhoods across the state. Their flats are for single-, double-, or family occupancy and some are set aside for special populations including those with re-entry needs, mental illness, chemical dependency, and veterans. Individuals with criminal histories may

qualify for their housing if committed to an individual re-entry plan and if they comply with participation requirements. The properties are income producing and support many of the services provided by the organization.

#### 5. St. Leonard's Ministries

St. Leonard's House is an example of a smaller community-based programme that has found its niche and expertise with a specific population. The programme provides interim housing and supportive services for formerly incarcerated men returning to the community from Illinois prisons. The programme opened in 1954 and today has two facilities in Chicago, Illinois that serve 40 residents. The rooms vary from six-person occupancy to single-resident rooms. The facilities have on-site amenities in the buildings, including a weight room, recreation rooms, a library, a laundry room with free washers and dryers, and a chapel. The programme provides three meals a day, and residents participate in special events, holiday activities, and large group gatherings. Through St. Leonard's extensive community partnerships, residents receive the following services:

- Individual and group psychological counseling and group activities through the Adler School of Psychology
- Programmes to promote the development of life skills
- On-site intensive out-patient substance abuse treatment
- Addiction counseling and relapse prevention
- Assistance in connecting with community supportive services
- Housing placement assistance (transitional and permanent)
- Education and employment services
- Social and recreational opportunities.

### IV. CONCLUSION

Daryl Atkinson, the first-ever Second Chance Fellow<sup>19</sup> to serve at the U.S. Department of Justice is an advisor to the Federal Reentry Interagency Council.<sup>20</sup> He was selected because of his personal experience, expertise, and leadership in the criminal justice field — he is a practicing civil rights and criminal defense attorney and is a formerly incarcerated individual. Mr. Atkinson says it best when describing what works in re-entry:

In hindsight, the most critical component in my successful re-entry was a viable support system, a loving family who provided food, clothing, shelter, and nurtured my dreams. Having those immediate physical and emotional needs met gave me the opportunity to pursue higher education and gainful employment... Of course, not all of the people with criminal records are blessed with a support system similar to mine and this BRI [Boston Re-entry Initiative] graduate.<sup>21</sup> But society can facilitate successful re-entry by continuing to create secondary support systems with evidence-based re-entry programming and public policies that remove obstacles to reintegration, thereby giving

<sup>19</sup> U.S. Attorney General Loretta E. Lynch. (2015, July 30). "Justice Department Announces First-Ever Second Chance Fellow." Blog. Access 2016, January 15. <<http://www.justice.gov/opa/blog/second-chances-vital-criminal-justice-reform>>.

<sup>20</sup> The Federal Interagency Reentry Council, established by Attorney General Holder in January 2011, represents a significant executive branch commitment (20 federal agencies) to coordinating re-entry efforts and advancing effective re-entry policies. A chief focus of the Reentry Council is to remove federal barriers to successful re-entry, so that motivated individuals — who have served their time and paid their debts — are able to compete for a job, attain stable housing, support their children and their families, and contribute to their communities.

<sup>21</sup> On January 13, 2016, Daryl Atkinson, the U.S. Department of Justice Second Chance Fellow accompanied U. S. Attorney General Loretta Lynch on visits to three re-entry programmes in Boston, MA — the Common Ground Institute (CGI), the Boston Reentry Initiative (BRI), and Community Reentry for Women (C.R.E.W.).

formerly incarcerated people a real opportunity at a second chance.<sup>22</sup>

The employment and housing programme models presented in this paper are just some of the many ways public and private organizations can work together to develop services that respond to the immediate and long-term needs of people with criminal histories. A common theme among many of the programmes is the ability to help clients address and manage mental health and behavioural health problems such as substance use and alcohol addiction. Although not every person with a criminal history has an addiction problem, the National Council on Alcoholism and Drug Dependence reports that 80 percent of people with criminal histories abuse drugs or alcohol, nearly 50 percent of people incarcerated in jail and prison are clinically addicted, and approximately 60 percent of individuals arrested for most types of crimes test positive for illegal drugs at arrest.<sup>23</sup>

Jerry, a former Safer Foundation (Safer) client, often speaks about how pleased he is to have opportunities to assist Safer given the role he feels Safer played in his life. Jerry is currently the Chair of the Social Work Department at a southern university and holds a Doctor of Philosophy (Ph. D.), Master of Business Administration (MBA) and Master of Social Work (MSW) degrees. When he was younger, Jerry did not make all the right decisions. He was involved with drugs and drug-related crimes. He served two prison sentences before he realized that staying in the revolving door to prison was not how he wanted to live the rest of his life. When asked about how he transitioned from a life of crime to getting a Ph.D. and ultimately becoming the Chair of his department, he tells the story of going to the Safer Foundation when he was released from prison the first time. With Safer's assistance he found a job. However, at that point, the pull of his friends and drugs was greater than the pull of living the life he knew he should. After his release from prison the second time he went back to Safer, received support in finding another job and with encouragement and assistance in researching educational opportunities, he also went to college. He never looked back.

Jerry not only earned several advanced degrees but also benefitted from changed employment policies that allowed him to compete and secure a job with the federal Housing and Urban Development Agency (HUD) prior to joining academia. As one might expect, while Jerry was employed with HUD, he assisted in establishing housing programmes for low-income residents and ensured people with criminal records qualified for those programmes.

There are many success stories that epitomize the effectiveness of re-entry support in the lives of justice-involved individuals. When employment and housing programmes not only focus on the personal needs of their clients but provides support and services that eliminate structural barriers to re-entry, the service model works. Programmes must be flexible, responsive and able to change or build partnerships that address the ever-changing needs of their clients. At the end of the day, programme services are an investment in people, and the return on investment for saving one person's life can be to save hundreds or even thousands more as seen by Mr. Atkinson and Dr. W.'s stories and accomplishments.

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<sup>22</sup> Atkinson, D. (2016, January 15). "Return on a Chance." Blog. Accessed 2016, January 15. <<http://www.justice.gov/justice-blogs>>.

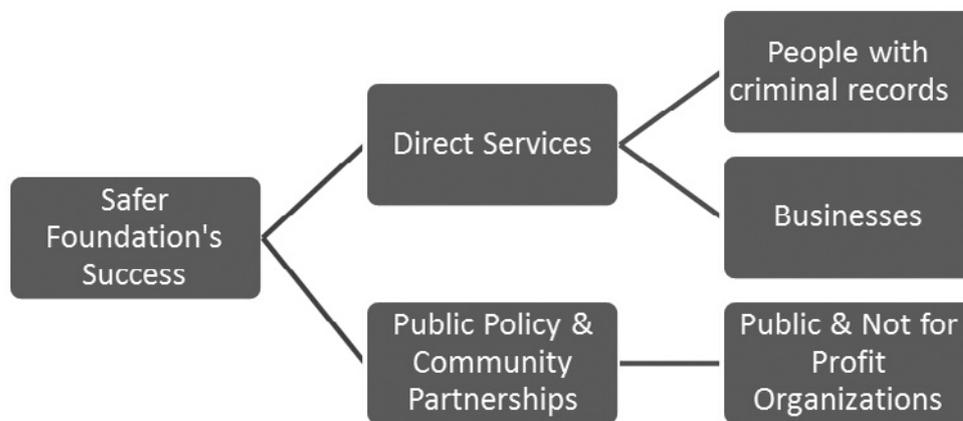
<sup>23</sup> National Council on Alcoholism and Drug Dependence, Inc. (2015, June 27). Alcohol, Drugs, and Crime. Web. Accessed 2016, January 16. <<https://ncadd.org/about-addiction/alcohol-drugs-and-crime>>.

# IMPROVING EFFICIENCY AND OUTCOMES THROUGH COLLABORATIONS: AN NGO PERSPECTIVE

*B. Diane Williams\**

## I. INTRODUCTION

Safer Foundation (Safer) is a not-for-profit organization headquartered in Illinois but also operates either directly or through technical assistance grants in three other Midwestern states, Iowa, Missouri and Wisconsin. Its mission is to reduce recidivism by providing services to people with criminal records to help them become law abiding employed citizens. To accomplish its mission, Safer does not limit itself to direct services but also includes developing and leading public policy reform efforts. Its partnerships are critical to every facet of its work.



Incorporated in 1972, Safer set the course for assisting justice-involved individuals. The organization has avoided “mission creep” (pursuing projects that are not truly aligned to the organization’s mission) and stayed the course. Because of that level of discipline, thousands of people with criminal records are employed, supporting their families, and contributing to their communities. Tax payers have saved millions of dollars and while in the United States crime in some places has remained at unacceptable levels, there are fewer victims because of Safer’s work. Also, because of Safer’s work fewer people return to Illinois’ prisons and jails. Employers have new employees who are excited about going to work and are thankful for the opportunity. Tax collection revenue for state and federal governments is higher and local merchants’ sales increase.

When considered in the context of the number of people under corrections supervision the results are even more laudable. At the end of June 2014 (the most recent data available) the Illinois Department of Corrections (IDOC) reported they had 48,921 adult inmates in its prisons of which 94.1 percent were male with an average age of 37 years old.<sup>1</sup> Adult parolees were numbered at 28,242 adults and 90.7 percent of them were male with an average age of 36 years old.<sup>2</sup> There were 10,200 IDOC staff and only 400 parole officers.

Cook County Jail, the largest jail in Illinois that primarily serves as a remand facility, admits approximately 100,000 individuals annually and averages a daily population of 9,000 adults.<sup>3</sup> The jail is under the jurisdiction of the Cook County Sheriff’s office. According to the Circuit Court of Cook County, “the Adult

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<sup>1</sup>Illinois Department of Corrections Annual Report 2014, pp. 64-68.

<sup>2</sup>Ibid.

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Probation Department receives approximately 14,000 new probation supervision cases annually and has an active caseload of approximately 25,000 probationers, 86 percent of whom have been sentenced for felony offenses.<sup>3</sup> There are 387 adult probation officers in Cook County who are responsible for supervising individuals sentenced to probation. There are 101 additional counties in Illinois which have considerably smaller jail populations.

The disproportionate ratios between the number of community supervision officers to the number of people under community supervision makes evident the need for not-for-profit support in the community. While government provides direct services to those under its supervision through parole, prison, and probation staff, having effective partners at strategic points in the service continuum can improve the likelihood government will meet its goals to improve community safety, reduce recidivism and effectively manage the cost to provide corrections services. Ideal candidates for strategic partnerships are Safer Foundation and other not-for-profits.

This paper will look at Safer Foundation, it's history, how its structured to serve the criminal justice population, what it achieves and how, performance outcomes, partnerships, and finally, challenges facing the organization. Know that there are differences in how not-for-profits are structured and how they do their work, but all are intent on providing societal benefit.

## II. SAFER FOUNDATION'S HISTORY

Safer was founded in 1970 by two men working for the Portland Cement Association in Chicago. Under contract with the Federal Bureau of Prisons, Portland Cement provided training in cement masonry in federal prisons in three states. Noting that inmates were not finding jobs upon release, the Federal Bureau of Prisons (BOP) asked the Portland Cement Association (the Association) to develop a programme to help place men being released from federal institutions into construction industry jobs. The Association's leadership accepted the challenge and assigned Bernie Curran, who worked in the external affairs department at the time, and Gus Wilhelmy to manage the BOP job placement contract along with their other duties.

A year later, the Association's leadership decided the programme was not a good fit and wanted to be relieved of its responsibility. Bernie and Gus believed in the mission and elected to lead the programme as a separate entity. They initially co-located with another not-for-profit focused on criminal justice issues and worked with the Association to secure 501C3 tax exempt status. The new entity was called "Safer" Foundation to represent the founders' desire to keep communities safe.

During the early stage of the organization's development, Safer only had the federal contract and, therefore, only placed people from the federal system. The organization was mostly staffed with volunteers though some of them "worked" full time. The volunteers were people with criminal records and others from the community who cared about helping people change their lives. These individuals worked together, but not always peacefully. One of Safer's long time board members recalls a time that one of the clients physically attacked him. The board member was not hurt nor was he deterred from his commitment to support Safer's efforts. After Safer received an increase in the amount of its federal grant, it began to hire people in paid positions.

As grant opportunities for state and local governments became available Safer expanded its reach, but stayed true to its mission to secure employment for people with criminal records and improve community safety. Today Safer serves between 8,000 and 12,000 people each year with nearly 300 staff in community-based residential, community-based non-residential and institutional settings. Its third and current President and CEO has significant corporate experience and is leveraging that experience to expand how Safer works with its clients and corporate partners.

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<sup>3</sup>Cook County Sheriff's Office. *Cook County Department of Corrections*. Available at <[http://www.cookcountysheriff.org/doc/doc\\_main.html](http://www.cookcountysheriff.org/doc/doc_main.html)>.

<sup>4</sup>State of Illinois Circuit Court. Adult Probation Department Profile. Available at <<http://www.cookcountycourt.org/ABOUTTHECOURT/OfficeoftheChiefJudge/ProbationDepartments/ProbationforAdults/AdultProbationDepartment/Profile.aspx>>.

### III. SAFER STRUCTURE

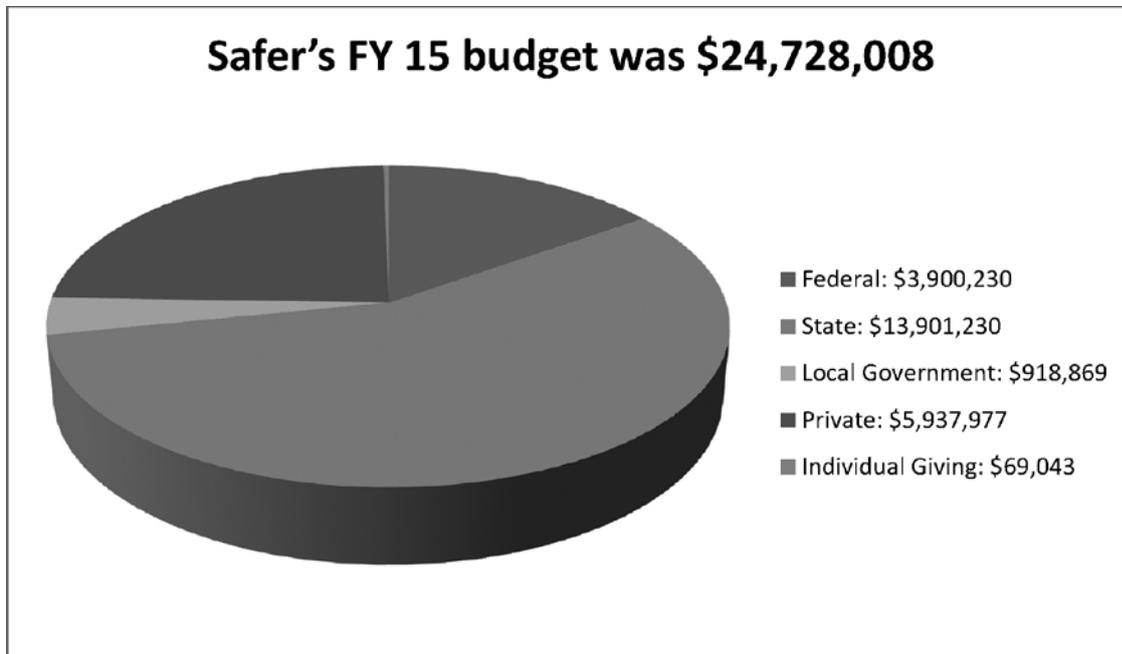
#### A. Governing Board

United States federal tax law requires not-for-profits to have a volunteer board of directors who do not personally benefit financially from their work on the board. Not-for-profits review the expertise needed to direct the activities of the organization and engage individuals who can and are willing to add their skills and knowledge to the governance of the organization. Safer's by-laws allow up to 30 board members, but for practical reasons Safer does not seek 30 individuals. Safer's board members have expertise in policing, banking, legal systems, business leadership, marketing, policy, finance, not-for-profit management, and some have criminal records.

#### B. Funding and Endowment Board

Safer receives multi-year government funding for its Adult Transition Programmes and other initiatives. Many of the contracts, even though they are multi-year, require renewal annually and are based on both outcome and budget management performance. In addition to government contracts, Safer receives funding from private foundations which range in amounts as small as \$5,000 to a five year grant of \$5,000,000. Safer is very adept at recognizing what services need to be provided for its clients' success. The organization works to secure dollars from one source if possible but will blend funding streams when appropriate and necessary. For example, some funders are willing to support educational programming while others may only want to fund job training. Services for one client that include education services and job training would be supported by both funding sources.

Safer's financials are audited annually by external independent auditors to ensure government and funder requirements are met. Safer has been recognized by government agencies and private foundations as outstanding in the management of its financial resources. Early adoption of a cost accounting system allows Safer's funders to follow their grant dollars through the finance system and ensure that the dollars are expended as directed.

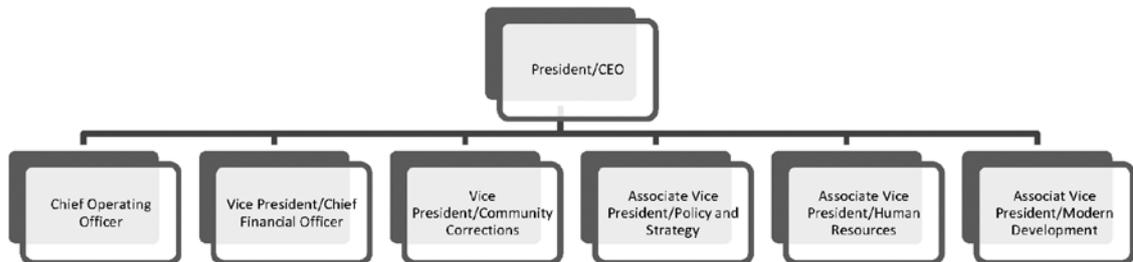


Prior to 1995 Safer established an Endowment to hold all real assets (property) and to serve as a place for collecting donations to be managed over more than one year. The Endowment exists only to serve Safer. When projects warrant additional funding and support that cannot be attained anywhere else, the organization can apply to the endowment for a grant. The Endowment also affords Safer a budget safety-net when grant and contract payouts are not timely. For example, today the State of Illinois is in its seventh month of the fiscal year and it has not passed a budget. Some not-for-profits that have solely relied on government contracts to pay for their services have had to close their doors because they could not

sustain themselves during these restrictive periods of time. Safer's good credit standing and credit line, access to discounted payouts, and funds that are available through the Endowment has made Safer a strong not for profit that can continue its operations at the same level year to year.

**C. Staffing**

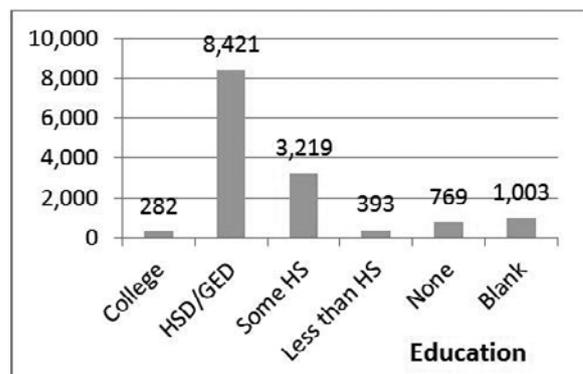
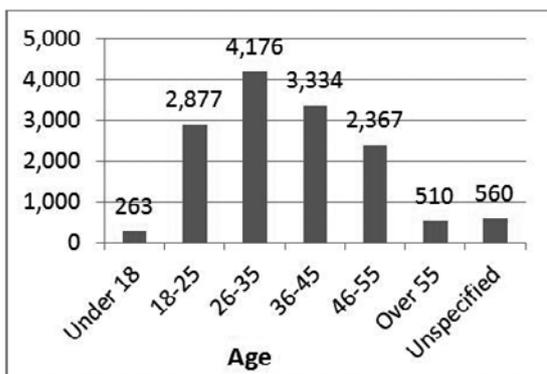
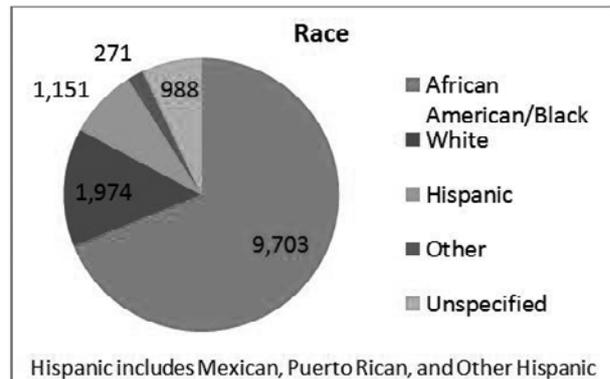
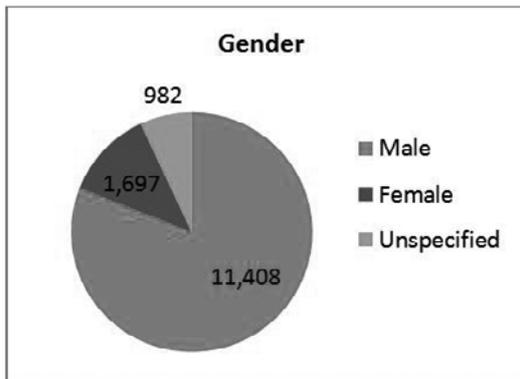
Safer Foundation has nearly 300 employees and its operations and staffing structure reflects its blended social-service, public policy-business model, and its internal structure and staffing reflects all three. Several positions are direct reports to the President/CEO so that every aspect of the organization's operations is consistently given directly to the President/CEO.



All staff receive competitive compensation packages consistent with their positions. Healthcare, retirement assistance, the same number of paid holidays as their government counterparts, sick and vacation time are available to employees. While Safer experiences turnover for lower-level jobs in the organization, Safer is a stable organization with some employees having over 30 years' tenure at Safer.

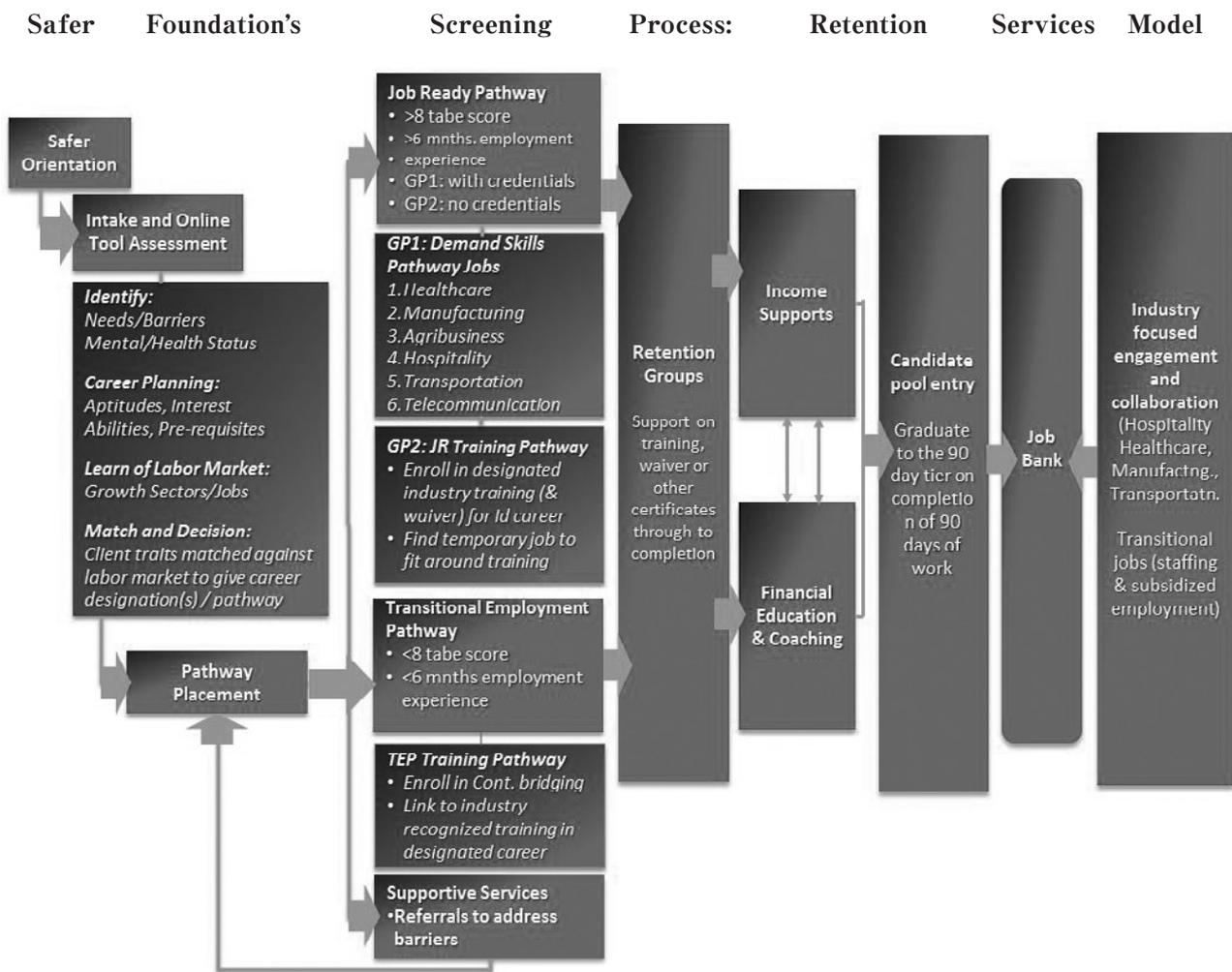
**D. Safer Foundation Employment Model**

Safer Foundation's primary goal is to connect its clients to jobs that provide living wages that will allow them to care for themselves and their families. Safer provides employment services exclusively to workers with criminal histories and all of its services work together to achieve the goal of long-term employment. Safer's clients are predominantly male, minority (in the case of Safer, African American), undereducated, and come from communities with high rates of unemployment, high rates of crime, and single family households.



According to a report from the Urban Institute, a three state study found approximately 40% of people released from prison were employed at the time of arrest and the 60% who were not employed had never held legitimate jobs.<sup>5</sup> Most of the men are non-custodial parents. While a fair number of women have children for whom they resumed custody after release, many who come to Safer are in the midst of fighting to regain custody of their children. Safer provides an array of services directly or in partnership with other community-based organizations that include:

- |   |                           |
|---|---------------------------|
| Mentoring   | Employment Services       |
| Educational Intervention                          | Industry Training         |
| Service Learning                                  | Mental Health Services    |
| Expungement and other civil legal service support | Substance Abuse Treatment |
| Follow-Up   |                           |



Private sector employment is the organization's goal and is accomplished primarily from Safer's demand-driven workforce development model where the agency helps employers find qualified workers, retains them and increases their skills to increase their effectiveness on the job after placement. Safer's orientation process includes assessing the client's needs and identifying any issues that may impede its ability to place the client in a traditional job. In this phase the client is also tested to determine his/her aptitudes, interests, abilities, and pre-requisites. Clients are then placed on one of three pathways to determine their employment service track: "job ready" with or without credentials; transitional employ-

<sup>5</sup>Visher, C., Debus, S., & Yahner, J. (October 2008). "Employment after Prison: A Longitudinal Study of Releasees in Three States." Research Brief. *Urban Institute*. Available at <<http://www.urban.org/sites/default/files/alfresco/publication-pdfs/411778-Employment-after-Prison-A-Longitudinal-Study-of-Releasees-in-Three-States.PDF>>.

ment; or supportive services to first address employment barriers. A “job ready” client who has credentials and a work history is matched to current real-time job opportunities. Clients who do not have credentials but some work history are placed in a skills training programme and connected to temporary employment opportunities that fit around their training schedule. Clients who do not have any skills or work history are placed in transitional employment that is time-limited, wage-paying jobs that combine real work, skill development and support services.

The transitional employment services provide an opportunity to help them overcome substantial barriers to employment and establish a work record. The transitional jobs are through Safer’s staffing company or through other subsidized employment opportunities. Upon completion of the transitional employment phase, the client’s pathway is reassessed for career planning to begin. All of Safer’s clients receive job preparedness training and job coaching services in addition to the skill development.

Safer has strong relationships in most industries but a strategic decision was made to target industries that needed skilled candidates and had opportunities that could be open to its clients if they received important services like academic bridge programmes,<sup>6</sup> job readiness training, industry recognized credentials and job placement services. Safer created a Demand Skills Collaborative that integrates both its demand-side and supply-side workforce development services. Safer uses an employer-driven employment model that includes identifying high-growth occupations; preparing justice-involved individuals to compete for those jobs by focusing on employers’ expectations for skilled, productive and dependable employees with good personal management skills; and providing industry-standard training and certifications.<sup>7</sup> The industries Safer focuses on are healthcare, manufacturing, agribusiness, food service/hospitality, transportation, and telecommunications. The industries are referred to as hubs.

Healthcare is a major industry hub, for example, because in Chicago, Illinois there are thousands of open healthcare positions. In fact, in the United States the healthcare industry is forecasted to have significant worker shortages because of a lack of skilled workers to meet the growing demand for healthcare services.<sup>8</sup> High-tech manufacturing companies have expressed concern that there are not enough trained workers to fill key positions. Therefore, with this industry and job analysis, Safer has identified several jobs for which its clients have the opportunity to earn credentials and build careers. Their options are as diverse as advanced manufacturing, commercial truck driving, welding, and new fields like cellular wireless tower engineering and urban and rural farming.

The Demand Skill Collaborative partnership consists of businesses that have a demand for labor; training organizations that can deliver industry recognized credentials; a workforce development intermediary to identify and screen qualified candidates and deepen employer relationships; funders to bring resources to the demand driven model; and industry experts who can provide understanding of terminology, trends, certifications and industry needs. The success of the Collaborative requires the partners to have a deep (and mutual) understanding of the labor market, its needs, issues and potential solutions. This workforce model provides a deeper level of employer engagement, is driven by employers’ need to increase outcomes, and is designed to put candidates on a career pathway with a strong outlook that would lead to financial stability. Safer in the end can successfully train and place its clients in high demand, higher paying occupations.

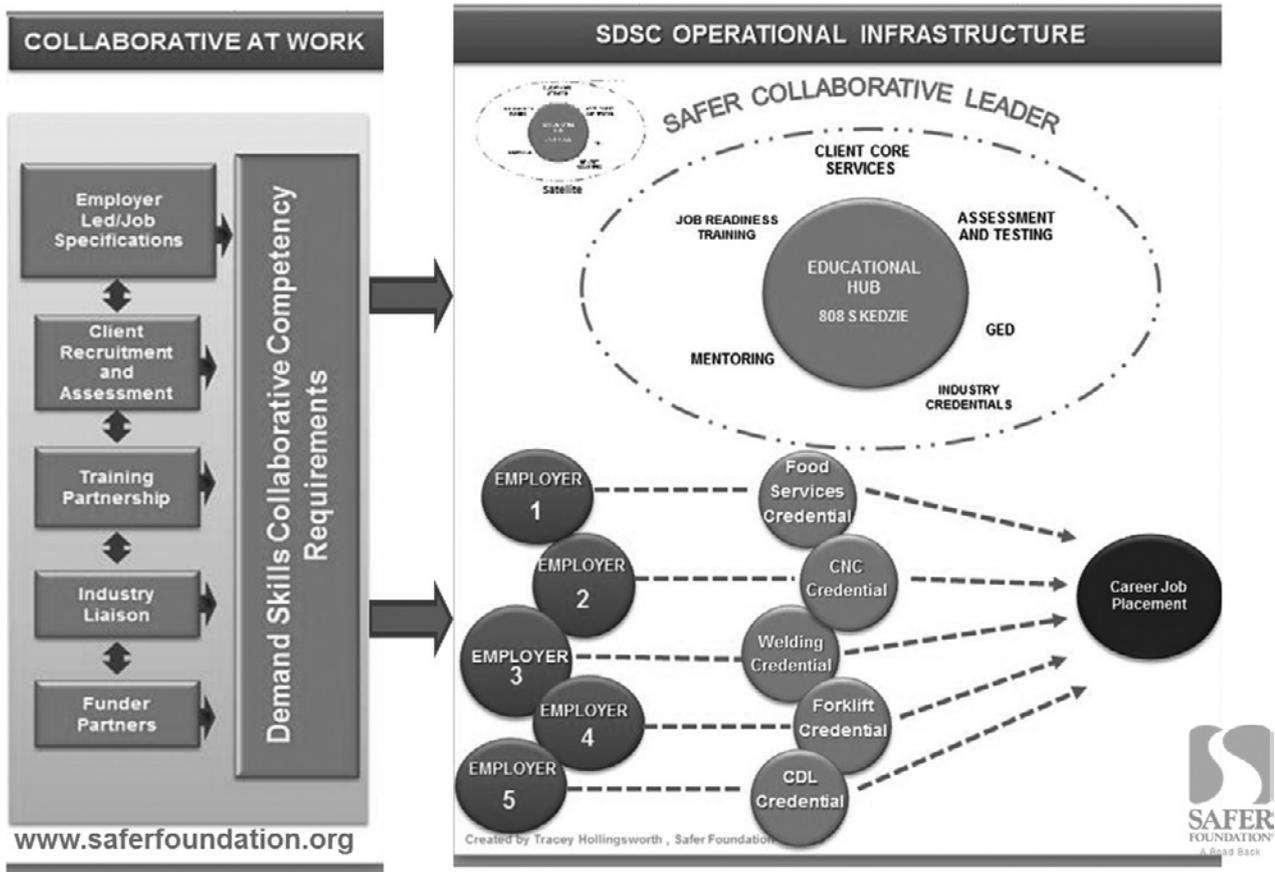
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<sup>6</sup>Academic bridge programmes provide students with opportunities to acquire knowledge and skills that will increase their transfer eligibility and academic success in a particular field or industry.

<sup>7</sup>National Institute of Corrections. “The Employer-Driven Employment Model for Justice-Involved.” Accessed January 14, 2016. Web. <<http://nicic.gov/employerdrivenemploymentmodel>>.

<sup>8</sup>Lennon, Chauncey. “Jobs in Health Care on the Rise, but Skills Gap Prevents Hiring: Companies and civil leaders need to collaborate on employment-training opportunities.” Editorial. *USNews.com*. N.p., 17, Feb. 2015. Web. 14, Jan. 2016. <<http://www.usnews.com/news/stem-solutions/articles/2015/02/17/op-ed-jobs-in-health-care-on-the-rise-but-skills-gap-prevents-hiring>>.

Safer's Demand Skill Collaborative Model



**E. Sheridan Prison Model**

In 2004, then Illinois Governor Rod Blagojevich re-opened the Sheridan Correctional Centre in an attempt to make Illinois a national model for drug crime prevention within the correctional system. The governor recognized that a high percentage of people in prison were drug addicted and, without access to treatment, they would resume the use of illegal drugs upon their release from prison. If the participants were successful in this programme they would be less likely to recidivate by buying, using and selling drugs.

Three not-for-profit agencies were selected to provide services that started inside the prison and supported a seamless transition to community no matter where the inmates were released within the state. Illinois Treatment Alternatives for Safer Communities (TASC) provided case management services, WestCare Foundation provided substance abuse treatment services, and Safer Foundation delivered employment services. During the admission process inmates classified as medium security level were given an opportunity to acknowledge a problem with drugs and/or alcohol and agree to treatment.

Inside the prison a modified therapeutic community model offered participants the chance to learn the skills, techniques and strategies to manage addiction challenges. Participants also learned how to work with and depend on others. Case management staff, like the staff of the other programme segments had assigned work spaces in the prison and met with their clients individually on a regularly scheduled basis and in group sessions. An evidence-based curriculum was used to deliver skills training.

Safer used its screening and retention employment model that was discussed but a few additional components were added to support the programme features. A module on supervisory training for correctional officers taught them how to set expectations, review performance against expectations and give feedback. This was particularly important since one of the consistent problems for justice-involved individuals in the workplace is accepting feedback and responding positively to criticism. Both correctional officers and

inmates appreciated this aspect of the training. Safer created evaluation checklists to facilitate the evaluation and feedback. Another change to the standard curriculum was the extensive use of role play with constructive feedback, again giving participants an opportunity to practice both giving and receiving feedback. Finally, employers were brought into the prisons to provide interview practice for some participants and actual job interviews for those that were going to be released from prison within a reasonable period of time. Prior to the client's release, case managers worked with the men to develop community re-entry plans. Connection to treatment, mentors, employment services, and community-based case management were some of the components of the plan.

In the 2005 IDOC annual report, results from a one-year study comparing the first 150 inmates released from Sheridan with a control group; "12 percent of Sheridan parolees were rearrested compared to 27 percent of the other group (roughly 55 percent reduction); and that 2 percent of Sheridan parolees were re-incarcerated compared with over 10 percent of the other group (a roughly 66 percent reduction).<sup>9</sup> Evaluations were done at scheduled time intervals. While the percent difference between participants and control groups fluctuated, inmates who engaged in the treatment programme recidivated at a lower rate than those who did not.

Unfortunately, budgetary constraints and administration changes resulted in a shift from a facility dedicated to treatment to one that was overcrowded. Employment services inside the prison were discontinued and overcrowding in the prison system has spilled over to Sheridan. However, this model when implemented properly does work and should be considered as an option.

#### F. Policy Work

As a result of Safer's long history, large service pool, and exclusive service experience with people with criminal records the agency is invited often to sit on federal, state and local policy boards and task forces that are charged with developing programmes and policies that would have the greatest positive impact.

In 2001, Safer formed the Council of Advisors to Reduce Recidivism through Employment (CARRE), to organize supportive communities of people and organizations working to support the re-entry needs of justice-involved individuals. CARRE is made up of 100 members representing leaders of support groups, community organizations, employment and supportive service non-profits, government agencies, faith-based groups, civil and human rights organizations, universities, and elected officials across the City of Chicago that work together with public policy advocates, employers, and legislators to develop and implement strategies to reduce barriers to employment and encourage successful reentry.



<sup>9</sup>Illinois Department of Corrections Annual Report Fiscal Year 2005, p. 12.

CARRE has worked together to successfully advocate for policy changes that support re-entry such as expansion of the State's expungement and sealing of criminal records to creating employment programmes inside and outside of the jails and prisons. CARRE has also helped increase educational and employment opportunities for formerly incarcerated individuals by working to build political will for support for re-entry and by eroding the stigma associated with criminal record. The group has produced and issued policy papers and conducted campaigns that have effectively built public and political support for prisoner re-entry programmes. These efforts have led to the creation of several new laws that created hiring standards for the consideration of job candidates with criminal records, restoration of civil rights through a certificate of relief of disability, employer tax credit, and negligent hiring protections for businesses. The group also works together to change the City of Chicago's hiring standards and develop Cook County ordinances that increased housing and employment services in the county. CARRE secured nearly a quarter of a million dollars in grants for policy and advocacy groups that provide free legal services, housing assistance, and substance abuse treatment.

### G. Partnership Structures

Traditional government and private sector partnerships have been contract-based with government agencies adapting standard terms for all contractors. The government agency served as the "boss" in the relationship and all other parties' thoughts, opinions, and knowledge were considered subservient to that of government project leaders. Partnerships were also formed based on funding. In some instances State Departments of Corrections secured federal funding that required partnerships with community-based organizations. In other situations not-for-profits secured private foundation funding that required government partners. Although many of these partnerships accomplish the desired results, the struggle and tension that arise from the unequal power dynamics of the partnership significantly affects implementation and long-term maintenance of the relationship.

Jennifer M. Brinkerhoff, Professor of Public Administration and International Affairs at George Washington University in Washington, DC in "Government-Nonprofit Partnership: A Defined Framework" defines the ideal type of partnership:

"Partnership is a dynamic relationship among diverse actors, based on mutually agreed objectives, pursued through a shared understanding of the most rational division of labour based on the respective comparative advantages of each partner. Partnership encompasses mutual influence, with a careful balance between synergy and respective autonomy which incorporates mutual respect, equal participation in decision making, mutual accountability and transparency."<sup>10</sup>

She goes on to note that "Partnership is promoted both as a solution to reaching efficiency and effectiveness objectives..."<sup>11</sup> Partnership as defined by Professor Brinkerhoff is exactly right. The best outcomes are generated when all participants are allowed to offer relevant input with an expectation of serious consideration of all participants' suggestions.

Organizations like the Safer Foundation have established credibility and built relationships for over 40 years. When negotiating contract terms and conditions, performance measurements, and the process for correcting problems these agencies and the government body should work together to include specifics that are relevant to work that will be done rather than using general terms set for all contracts.

Not-for-profits operating in the states are more likely to be involved in early discussions for new initiatives. However, if contracts are to be let as a result of those agreements, care has been taken to not give any organization an unfair advantage. Today you are more likely to see early inclusion in planning particularly since many federal grants require it. In addition to government partnerships, not-for-profits partner with other not-for-profits that offer expertise in different areas as was noted in the discussion on Sheridan. These partnerships may be formed to seek funding, but in many cases they are formed to better serve their clients.

<sup>10</sup> Brinkerhoff, J.M. (2002, March 12) "Government-Nonprofit Partnership: A Defined Framework." *Public Administration Development*. Vol. 22, n.1.

<sup>11</sup> Ibid.

## H. Performance Outcomes

Safer utilizes a scorecard to measure its effectiveness internally. The four major quadrants with metrics are Mission, Internal-Human Capital Effectiveness, External Market Effectiveness, and Finance. Quarterly reports are provided to the board and used as a management tool within the organization.

Measurements that are included but also reported externally are the number of Safer clients achieving employment in a given year, three-year recidivism rates for Safer clients as determined by academic institutions focused on criminal justice programme evaluation.

Safer's website ([www.saferfoundation.org](http://www.saferfoundation.org)) proudly displays its success in placing people in jobs. The banner reads "4,200+ Safer client job starts per year." Client job retention rates are also reviewed at 30, 90, 180 and 365 day markers.

In 2011, Loyola University released a report on the recidivism rate of individuals who received employment services from the Safer Foundation. Loyola tracked clients from FY2008 to FY2011. The study concluded that the recidivism rate for individuals who received Safer's employment services and achieved employment was 24.3 percent.<sup>12</sup> The three-year recidivism rate for Safer Foundation clients who achieved 30-day employment retention was 17.5 percent, a 63 percent lower recidivism rate than the statewide recidivism rate of those released from prison during the same time period, 47.0 percent based on the IDOC FY2011 recidivism percent for inmates released in FY2008 from the Illinois Department of Correction and re-incarcerated within three years of release. Among those who went on to achieve 360-day retention, only 15.7 percent recidivated in a three-year period after achieving the 360-day retention.

## I. Organizational Challenges

There are internal and external challenges faced by not-for-profit organizations whose missions are primarily to provide employment services for workers that have criminal histories. Employment organizations in general must understand and be able to navigate the multitude of laws and policies that may impact their ability to place their clients in certain jobs. The negative perceptions and stigma faced by people with criminal conviction records often creates additional challenges with placing them in a well-paid position. When the economy and the labor market are in a downturn, workers with criminal records are rarely considered because there is significant competition for jobs.

Employment and housing are considered the biggest challenges that have the greatest influence over an individual's success of remaining crime free. Nearly 50 percent of individuals in jails were unemployed at the time of their arrest and between 60 percent and 75 percent of formerly incarcerated people are jobless up to a year after release.<sup>13</sup> Moreover, homelessness often precipitates incarceration. Individuals incarcerated in jails are 11.3 times more likely to be homeless than the general population and 15 percent of people in prison previously experienced homelessness.<sup>14</sup> While employment is a critical need, housing is the most immediate challenge faced by people leaving prison. The employment challenges faced by the people with criminal records are unique to each individual, though there are some commonalities among various subgroups. The level of difficulty faced by an individual during reintegration is often dictated by the personal, criminogenic,<sup>15</sup> and structural challenges that exist for that individual. However, the primary challenge is making sure the organization is expending its resources with clients who want to live up to the challenge of overcoming his or her circumstances.

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<sup>12</sup> Safer Foundation Three-Year Recidivism Study 2008. Loyola University tracked clients from FY2008 to FY2011. Web. Access 2016, January 10. <<http://www.saferfoundation.org/files/documents/Safer%20Recidivism%20Study%202008%20Summary.pdf>>.

<sup>13</sup> Petersilia, J. *When Prisoners Come Home: Parole and Prisoner Reentry*. Chicago, Ill: University of Chicago Press, 2003; Travis, Jeremy, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, Washington D.C.: Urban Institute Press, 2005.

<sup>14</sup> Knopf-Amelung, S. *Incarceration & Homelessness: A Revolving Door of Risk*. In *Focus: A Quarterly Research Review of the National HCH Council*, 2:2. (November 2013). National Health Care for the Homeless Council. Available at: <[www.nhchc.org](http://www.nhchc.org)>.

<sup>15</sup> Behaviors or activities associated with crime or criminality.

#### **IV. CONCLUSION**

In the United States, government agencies provide some direct services but they also rely upon community-based organizations to help provide re-entry assistance to the justice involved population because of the great numbers of people in need of service and the intensity of their service needs. Safer provides a range of programmes and services to help formerly incarcerated individuals find employment. Each year, Safer Foundation helps thousands of people with criminal records choose a new direction of responsibility, education, and productivity. Without intervention, 52 percent return to prison. By contrast, fewer than 22 percent of those receiving Safer's services go back. Its partnership with government agencies and the community at large is critical to improving the efficiency of the public safety plans for communities and improving the outcomes that are necessary to change lives and ultimately reduce recidivism.

Re-entry services require the involvement of the entire community that is set to receive returning citizens, and they must be engaged and prepared to positively impact prisoner re-entry to reduce recidivism. Safer Foundation will continue to be a part of collaborative efforts that involve law enforcement, service providers, businesses and corrections to develop innovative approaches to prisoner re-entry and to comprehensively address the transitional needs of both the returning clients and their community.

# THE RELEVANCE OF DESISTANCE RESEARCH FOR PROBATION PRACTICE

*Rob Canton\**

## I. WHAT IS DESISTANCE?

The term *desistance* refers to the process of ceasing to offend — and continuing not to offend. It includes the idea that the individual no longer thinks of himself / herself as an ‘offender’ and comes to be no longer regarded in that way by other people. It is better understood as a process rather than an event. Using the metaphor of a journey, ex-offenders and those who work with them often refer to a ‘road out of crime’, but this is a road marked by twists and turns — ‘a zig-zag path’. Signs that individuals are starting to desist include:

- Fewer offences
- Longer intervals between offences
- Less serious offences

as well as other changes in their attitudes and their behaviour. But lapses are quite common and it is important to remember this when individuals who seemed to have been doing quite well commit further offences. This need not mean that they are not making progress or that they will continue to commit crimes. It may be just a turn in their road.

## II. DESISTANCE RESEARCH

Criminology has often been concerned with the question *why do people commit crimes?* but this has proved to be unanswerable and this may be because it is not a very good question in the first place. Perhaps *how and why do people stop offending?* may be a better question — at least for probation staff and others who are concerned to support the process of desistance. The study of desistance, as we shall see, has also been encouraged by criminal careers research; by an awareness of the limitations of some influential theories of rehabilitation; and by increasing attention to offenders’ (and ex-offenders’) own accounts of their offending and their desistance. We shall look at all these topics.

### A. Why do people offend?

Studies of the characteristics of offenders have identified a large number of factors that are associated with offending. For example,

- **Individual characteristics** (e.g. low intelligence, hyperactivity, risk-taking, low empathy)
- **Family influences** (e.g. poor parenting, harsh discipline, child abuse / neglect, parental conflict, criminal parents or siblings)
- **Socio-economic factors** (e.g. low family income, poor housing)
- **Peer influence** (e.g. delinquent peers or associates, peer rejection)
- **School experiences** (e.g. truanting, exclusion from school)
- **Neighbourhood factors** (e.g. living in a deprived, high crime neighbourhood)

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There are many theories that attempt an explanation of offending — physiological / genetic, psychological, social. Yet it is surely a mistake to think that any one set of these factors is ‘the cause’ of offending. Probably there are many complex interactions among these factors that make it more or less likely that people come to commit crimes. And even if we knew the answer with any confidence, we might not be able to make the necessary changes — or at least not through the agencies and systems of criminal justice. Criminal justice agencies — police, prosecution, courts, prisons, probation — can do little or nothing to influence the way in which children are brought up, where they live, their education and the social, economic and cultural circumstances that make up the context of their lives and of their offending. So perhaps we need a different question for those who are concerned to try to change offenders or help them to make changes themselves.

## B. Criminal Careers Research

Our understanding has been enhanced by an area of research known as criminal careers. This introduces some new ways of inquiry and understanding and offers a set of useful concepts. Criminal careers research, for example, studies

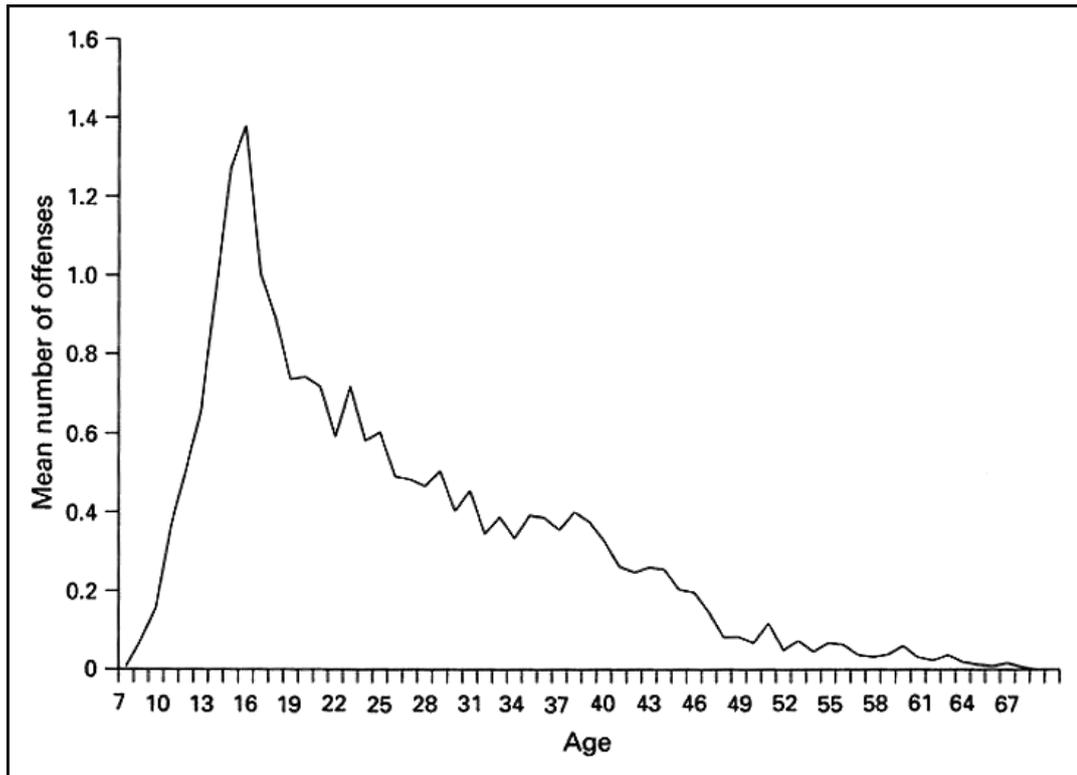
- Onset — When and in what circumstances does the criminal career begin?
- Duration — How long is the ‘total career’?
- Frequency — How often does the individual offend?
- Intermittency — What are the time intervals between crimes?
- Type of crime / specialism — Does the offender commit one type of crime, or is the offender more of a generalist?

Two other key concepts are *desistance* and *resilience*. Resilience is of particular interest here. Many young people have lots of the problems / factors discussed earlier, **but do not go on to commit crimes**. This has prompted inquiry into resilience or protective factors. What is going on in their lives that leads them not to offend? Perhaps if more was known about this, we could concentrate on these protective factors, building on people’s strengths rather than trying to remedy weaknesses. There are obvious parallels between this idea and the concerns of desistance research.

The study of criminal careers has started to help us to understand much better the reasons why offenders come to stop offending. A good beginning to the inquiry is suggested by the well-known ‘age-crime curve’. The graph below is from the USA although other countries would produce a curve of a similar *shape* even if the details are probably a bit different.

Our concern here is not with the detail — for instance, the age at which offending is at its peak. The point to emphasise is that, while a few offenders continue offending into later life and indeed into old age, most offenders start to desist in early adulthood. How might this be explained? Broadly there are three kinds of explanation.

- Maturing / getting older. Maturation reform (or ‘ontogenic’) theories have the longest history and are based on the established links between age and certain criminal behaviours, particularly street crime. But there are many changes that take place as people get older. What exactly is it about getting older that is linked with desistance?
- Social bonds theory. Social bonds (or ‘sociogenic’) theories suggest that ties to family or employment or other life projects in early adulthood explain changes in criminal behaviour across the life course. Where these ties exist, they create a stake in conformity, a reason to ‘go straight’. Where they are absent, people who offend have less to lose from continuing to commit crimes. Moreover, the informal social controls exercised by partners, friends, employers, colleagues and which arise spontaneously from living full lives are a much more compelling inducement to good behaviour than the external controls of criminal justice. There is a great deal of truth in this, but it is even more persuasive when combined with the third type of explanation.



**Figure I. Numbers of offences committed from age 7 to age 70 for a sample of adolescent offenders**  
Source: Laub and Sampson (2003: 86, fig. 5.21).

- Narrative theory. Narrative theories have emerged from research which stresses the significance of subjective changes in the person's sense of self and identity, reflected in changing motivations, greater concern for others and more consideration of the future. Thus, desistance resides somewhere in the interfaces between developing personal maturity, changing social bonds associated with certain life transitions, and the individual subjective narrative constructions which offenders build around these key events and changes. It is not just the events and changes that matter; it is what these events and changes **mean** to the people involved. Probation staff should note that this way of finding and making meaning in life events can be encouraged in the context of supportive professional relationships. (McNeill and Weaver 2010)

### C. Limitations of Theories of Rehabilitation

The Anglo-American approach to rehabilitation has for many years been dominated by a model known as Risks-Needs-Responsivity (RNR). A great deal of research has looked at the effectiveness of interventions or programmes. Can it be shown that people have stopped offending after (and maybe because of) a particular form of treatment? Fifty years ago, there was a great deal of pessimism about this and some researchers took the view that nothing worked — or that nothing could be shown to work — or at least to work better than anything else. But a bit later, research — much of it undertaken in Canada and USA — seemed to show that some interventions *did* work so long as they were targeted at the right individual offenders and delivered as they should be. It was claimed that programmes — sequenced and structured interventions — could reduce predicted reoffending by measurable amounts, and these insights were the basis of English policy for probation in the late 1990s and the early years of this century. (The case for RNR is set out conveniently in Andrews and Bonta (2010). See also Bonta (2010).)

What were the characteristics of these successful programmes? They focused on

- Risks — the higher the risk of reoffending, the more intensive and extended the supervision programme should be. This principle can accordingly be used to determine who should be worked with and to what level.

- Needs — the focus of intervention must be on those needs or factors associated with their offending. These are known as criminogenic needs. These differ from person to person, of course, but common needs include: pro-criminal attitudes ('thoughts, values and sentiments supportive of criminal behaviour'); pro-criminal associates; employment; poor personal relationships; substance abuse (drugs, alcohol) (Andrews and Bonta 2010: 46).
- Responsivity — 'ensuring that all interventions, programmes and activities with offenders are run in a way which is engaging, encourages full participation and takes account of issues of identity and diversity.' (Dominey 2007)

and were

- Multi-modal (different methods / skills) — offenders' problems are diverse, calling for a correspondingly diverse repertoire of interventions. It is implausible that one single method will be appropriate for all problems or (as the principle of responsivity reminds) for all people.
- Delivered as intended (programme integrity) — Andrews and Bonta (2010) found that RNR principles are not always implemented with the required rigour and this can detract from a programme's effectiveness. This may be especially important if we do not know the 'active ingredient'. It may be possible to evaluate the effectiveness of the programme, but the influential components and the precise mechanisms that bring about change may be much less clear.
- Community based — Programmes in the community are said to be more effective than those undertaken in prisons. This seems plausible — after all, living in the community affords opportunities to put learning to test in the real world. (On the other hand, programme completion is associated with effectiveness and, in principle, institutions should be able to ensure good completion rates.)

This continues to be a highly regarded and well-tested model for probation practice. But some researchers have posed some challenges (Ward and Maruna 2007). Notably, many people stop offending without rehabilitative interventions; and many people take part in offending behaviour programmes but continue to offend; the model emphasises changes in thinking and attitudes, but does it take sufficient account of *social* circumstances and life opportunities? Other criticisms are that the model:

- Pays insufficient attention to individuals' strengths, being concerned with weaknesses (risks and needs);
- Is preoccupied with aversive goals (things to avoid), whereas approach goals (things to aim for) constitute stronger motivation;
- Concentrates on methods of intervention — with the implications that change is a process led by intervention, rather than an offender-led process which probation should support;
- Over-emphasises the past that offenders are keen to put behind them, by attending all the time to past patterns of offending;
- Neglects *how* the process of change occurs. RNR research usually looks at the characteristics of people who participate in programmes and then compares their subsequent offending with a matched group who did not participate to see if there has been any effect on predicted rates of reoffending. This does not require any engagement with the individuals themselves and even if it can tell us *what* works it sheds little light on *how* an intervention has its effect. This has considerable implications for attempts to develop programmes and to introduce them elsewhere. (McNeill 2006)

The better-judged criticisms of the RNR model acknowledge its insights and its value, but believe that it can be strengthened by attention to the findings from desistance research.

#### **D. Listening to Offenders and Ex-offenders**

Anglo-American criminology has tended to neglect the views and experiences of offenders themselves. In contrast, research that has tried to understand the process of desistance has given careful attention to offenders' own experiences. Probation staff will be immediately sympathetic to this because interviews and conversations with people who have offended are at the heart of our work.

Yet some of the findings from interviewing people about their experiences of probation have not been especially encouraging. For example, an early study found that, from a sample of probationers in New Zealand,

'Few ... spontaneously cited probation as a factor in their desistance and only half of the sample considered probation to have been useful in this regard. Instead, individuals suggest that revision of personal values, reassessing what is important, responding to new family commitments, desire for a better future and the development of self-respect were reasons for wanting to desist. This was coupled with fears of consequences and shame about what could happen if their offending was to continue.' (Leibrich 1993, quoted Shapland *et al.* 2012)

These probationers also spoke about how they had managed to tackle their personal problems using interpersonal resources, accompanied by 'life management' — a sense of being in control of their own lives and able to take their own decisions. The more recent *Sheffield Desistance Study* has been interviewing many young persistent offenders (for summary and references, Bottoms 2012). The researchers have found that while the past record of offending is significant (the longer the criminal record, the more likely further offending), social circumstances make a big difference. Most said they would like to stop or that they had taken the decision to stop. But it was not often that people simply stopped. This study confirmed earlier research that showed that the 'road out of crime' is twisting and turning and marked by lapses. Even so, most of their sample had 'started to desist' — fewer and less serious offences, with longer intervals in between. (In passing, it may be noted that the usual way of measuring the effectiveness of a programme is to see if there has been a further conviction within a specified time period, but this fails to reflect the process of desistance while even further offending — so long as it is less serious, less frequent and so on — can represent a success.)

Many of those who felt they were making progress said things like 'I think before I act now', or that 'I think more about the future'. When asked about good things in their lives, '50 participants (57%) identified a relationship with a girlfriend, the importance of having children of their own, reconciliations with parents, or other family events, as the primary "good thing" recently in their lives'. The researchers found that desistance involved a 'series of processes whereby offenders move gradually towards a less offending life: they become more aware of others' views; they try to take more responsibility for themselves and other people; they try to think before they act; and they find themselves obliged to work out the specifics of learning to live another life, often with less money and less excitement'. While this is a process of maturing, of growing up, it is 'is an active, not a passive maturation: it requires effort, and — given the offenders' past criminality and social deficits — it is often difficult.' (Bottoms 2012)

Respondents were asked *what kind of person you would like to become?* — in other words, they were asked to describe what has been called the 'desired self' (Paternoster and Bushway 2009). The responses were surprisingly conventional: most said they would like to 'go straight', 'be drug-free', 'live a normal life', 'be a good person', 'be a family man' and so on (Shapland and Bottoms 2011: 262). This too is an interesting finding. It has sometimes been supposed that offenders have values and ambitions that are different from those of other people. This study suggests, however, that they are much the same.

Finding a different identity — understanding oneself in a different way — is often crucial. The following example may be of interest. This is a picture of flooding in Croatia in central / southern Europe in May 2014. (<http://www.economist.com/blogs/easternapproaches/2014/05/floods-balkans>)



Croatia has a very young probation service and most members of the public have never heard of it. They have the sentence of unpaid work / community service and when the flooding was at its worst, the leader of the probation service had the idea of sending some offenders serving this community sentence to the flooded areas to help. They carried children, elderly people and people with disability to safety; they rowed boats and they filled sandbags; and they worked tirelessly in extremely difficult and dangerous conditions. One of the effects of this was to raise the profile of the probation service which was acclaimed for its contribution to this crisis. But we should also think of what it meant for these offenders themselves. People who were seen as thieves and as drug addicts and indeed who saw themselves in that way were now national heroes and this sense of self-respect will be invaluable in helping them to find ways of living within the law.

There is more and more research into offenders' own accounts of their experiences. Early in 2014, the journal *EuroVista* published a special issue on Desistance (3.1) (2014) (free online, though only available in English). 38 individuals from many different countries (including Japan) wrote their own accounts of their offending and their attempts at desistance. Introducing the issue, the editor remarked that 'themes of belonging, recognition and escape occurred across some people's narratives of their offending.' Olga (Russia), for example, felt that as a displaced person in search of a sense of connection she found, at least for a time, a *sense of belonging and solidarity* within her criminal fraternity or network. Gerritsen (the Netherlands) says that his offending was a manifestation of the *lack of meaning or investment* he had in a life that had been scarred by loss and trauma; Dixon's (Canada) drug related offending behaviour was underpinned by a *sense of disaffection, confusion and anger* at the world from which he found some respite in drug use. Nabill (England) recalls a sense of *emptiness* as a young child, a sense of being ill at ease. His enduring desire for escape from reality and for recognition is one he remembers from his youth; his early offending provided *excitement, meaning and purpose* and for a while, or to an extent, occupied this void. Like Dixon, his later participation in substance use was an extension of this desire to escape but which served only to compound his feelings of despair. Trauma and loss characterised Williams's (Wales) early childhood and, in this context, his involvement with gangs and drug use was as much about finding *a means of escape as it was a search for belonging*.

We have seen that both the autobiographical and academic literature on desistance often draw on metaphors of *travel* — of roads, journeys and pathways — into and out of crime. Some writers have used the concept of a trajectory, defined as 'a pathway or line of development over the life span, such as work life, marriage, parenthood, self-esteem or criminal behavior ... long-term patterns of behavior ...' (Sampson and Laub 1993: 8). Yet we have also seen that the path to desistance is *zig-zag* (Glaser, cited by McNeill & Weaver 2010: 53), marked by twists and turns, sometimes sharp and unexpected. A trajectory implies direction and continuity, but *turning points* involve discontinuities and a change of direction. Some of the contributors to the special issue used this kind of language. The significance of an event is not always apparent at the time.

The turning points and trajectories which have influenced my life since my last release from prison

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seemed insignificant when they occurred. It is only in hindsight, after thoughtful reflection, that their importance is exposed. I am confident there were other turning points that I am not aware of and whose significance is as yet not understood.

Another ex-offender (from Ireland) recalled two specific events. The first of these he described in this way:

... a life changing event was the loss of my grandfather. He had been a father figure to me and I had always hid the realities of my life from him as I did not want to disappoint him. After my Granddad died in 2003 I began smoking heroin again which helped numb the pain I felt and started ... buying, selling or transporting drugs around the country.

A second event which the same individual also identified as crucial — though in a quite different way — was when

In 2003 I was sentenced to six years with two suspended. Within one month of being in Mountjoy prison my cell mate, who was a friend before prison, was stabbed to death. This was truly life changing as within 20 minutes of his death I heard prison guards laughing.

The significance of the *meaning* that people make and find in events is well illustrated here. These two events — death of granddad and the violent death of a friend in prison — could have had quite different interpretations and consequences. For example, the death of granddad could have shamed this individual into seeking a better life rather than leading to more serious offending. On the other hand, the killing of the friend in prison, which made this man start to work hard to keep out of trouble could, for other people and in other circumstances, have led to despair, anger and further offending. So although the idea of a turning point is a useful one, it is not always easy to identify these turning points or to anticipate how they will be interpreted and the effect that they might have.

Adam from England was nearly killed in a violent attack:

As I lay in the hospital bed I wondered what people would have said about me if the knife had been a few fatal millimetres in the other direction. My wanting those close to me to be able to genuinely say good things about me is what prompted my change.

An event, then, can be no more than a catalyst and sometimes an opportunity for change. It is then up to the individual to make something of it. Abbott puts it well: 'A major turning point has the potential to open a system the way a key has the potential to open a lock ... action is necessary to complete the turning.' (1997: 102).

It is one thing to change direction, but to continue on the new route and follow a new trajectory calls for personal determination and often for the support of others. One person here wrote of 'the help of my best friend, my mum, allowed me stay away from a life of crime. Constant encouragement, assistance and unconditional love ...'.

The Japanese contributor to this issue, Atsushi, tells a fascinating, instructive story which illustrates many of the themes to be found in accounts of desistance. The main points of his account are summarised below.

I dropped out from high school after three months. Then, I joined a group of biker gangs. It was because I felt insecure without belonging to something.

I did not like loneliness.

With the biker gangs, I repeatedly mobbed and robbed people. For operating as a biker gang, we had to pay "protection money" to Yakuza every month.

I robbed people for the necessary money using violence. I used violence towards many people.

Then, I came across many good people one after the other. They were slightly older than me and I felt they were like my older brothers. They invested a lot of their time on me. Even when I betrayed them many times, they did not abandon me. They gave me a lot of affection.

With those acquaintances, I was able to find hope in the future. I became able to envisage a good image for my future. I hoped to become a man like them in the future.

I became strongly aware that if you could change yourself, the people around you would also change. Things would change hugely depending upon yourself. Your life would be determined by yourself.

I really changed. But I received a lot of love from strangers. Really a lot.

Now, I would like to return a favour to society. I would like to use the best out of my negative experiences and strongly desire to help young people.

And I would like to spend the rest of my life in that way so that I can say at the end of my life that it was a positive life.

There are so many themes in this story that are echoed in other accounts from desisters. The support of others; the sense of taking control of your own life; the very human needs to belong and to give.

In this connection, it may be of interest to note the roles that, in some countries, some ex-offenders are able to undertake in working with offenders who are struggling to desist. Many parts of the UK have set up schemes of 'peer-mentoring' where ex-prisoners and ex-probationers meet with those in prison or under community supervision. They use their own experiences to act as a mentor, or a big sister or brother, to offer guidance and a 'model'. Indeed sometimes these mentors are themselves still under supervision. One example is a scheme in many prisons where serving prisoners are appointed to provide crisis support to prisoners who are feeling suicidal. A colleague of mine is undertaking research into the work of former drug users who are supporting those trying to beat their addiction. There is considerable interest in trying to find out how effective these schemes are in terms of helping offenders to stay out of trouble. But we must also consider the benefits for the mentor in affording them the opportunity to make valuable contributions to other people's lives and to establish or confirm their identity as *someone who helps others*.

### III. DESISTANCE RESEARCH: MAIN FINDINGS

Let us attempt to summarise the main findings from desistance research.

1. Since desistance is an inherently individualised and subjective process, approaches to supervision must accommodate diversity. People are different in many ways (as well as being the same in many other respects) and an intervention that is right for one person may not be suitable for another. (McNeill and Weaver 2010).
2. The development and maintenance of motivation become key tasks for probation. It has been well said that "the two basic and necessary forces of motivation are the push of discomfort and the pull of hope" (Compton and Galaway 1984: 136). It is necessary to believe that something is wrong and need to change — this provides the push of discomfort. But one must also believe in the possibility of change. Nothing is more demotivating than the belief that you cannot change. The belief that change is possible is the necessary 'pull of hope'.
3. Desistance can only be understood within the context of human relationships; not just relationships between staff and offenders (though these matter a great deal) but also between offenders and those who matter to them (McNeill 2006).
4. Although in England and Wales there is a tendency to focus on offenders' risk and needs, offenders also have strengths and resources that they can use to overcome obstacles to desistance — both personal strengths and resources and strengths and resources in their social networks. Supervision should support and develop these capacities (Maruna and LeBel 2003).
5. Since desistance is about discovering agency, interventions need to encourage and respect self-determination; this means working *with* offenders not 'on' them (McCulloch 2005; McNeill 2006).
6. Interventions based only on human capital (or developing offenders' capacities and skills) will not be enough. Probation needs to work on social capital (fair opportunities, social inclusion, access to resources) with communities and offenders.

#### IV. IMPLICATIONS FOR PROBATION

Asked about their experiences of probation, ex-offenders have said that they value

- having someone that they could get on with and respect;
- who treated them as individuals;
- was genuinely caring;
- was clear about what was expected of them and trusted them when the occasion called for it. (Leibrich 1993)

Negative recollections of the relationship included a sense that the individual was simply being 'processed'; the probation officer having been late or missing appointments; and where the officer gave the impression of being curious rather than genuinely concerned. The desisters, like the probation officers, emphasised the need to identify and address the causes of offending. They also highlighted how essential the individual's own motivation is to the change progress. (Shapland et al. 2012)

##### A. Desistance and Probation

Some of the main points about probation's role in desistance can be summarised as follows:

- Fairness and encouragement can bring a sense of personal loyalty and accountability;
- Desistance seldom results from specific probation interventions, although help in finding work and mending damaged family relationships can be particularly important;
- Interventions must pay greater attention to the community, social and personal contexts in which they are situated;
- Talking with probation staff can lead to clarifying and identifying problems (this clarification is often essential to tackling them).

On this final point, McCulloch comments:

... it is noted that the process of talking about their life with probation officers did lead to the probationer clarifying and identifying problems which they could work on. Whilst it may be that the probation officer did not 'do much' in terms of solving these problems, the identification of the problem was also a step which, it can be argued, would not have been taken without the help of the officer. (McCulloch 2005).

##### B. Probation Relationships

Listening to what offenders themselves say about their experience of being supervised has returned attention to the importance of a professional relationship. Modern probation work is often undertaken in partnership with many different organisations and this can be confusing for the individual offender. A strong relationship with the professional probation officer — or as often in Japan a volunteer probation officer — is needed to help the offender to make sense and to benefit some of these interventions and opportunities. And research suggests that a relationship — based on trust and mutual respect — is every bit as important as the particular treatment method adopted. A recurring finding from research is that no method or intervention is any more effective than the rest; rather it is common aspects of each intervention that bring about change — for example, warmth, respect, genuine concern, patience and avoiding negative judgement. Relationship skills are at least as critical in reducing reoffending as programme content. And ex-offenders are much more likely to recall the influence of a person than of a programme.

Desistance research shows, however, that more is needed than motivation and changes of attitude. How people behave depends on not only what they want to do and on their abilities and skills, but also on the opportunities available to them to express these capabilities. Probation has often concentrated on motiva-

tion and abilities, but people need fair opportunities to develop lives in which offending has no place. So another implication for probation work is the importance of encouraging the community to recognise its responsibilities. Indeed as Mr Satoshi Minoura has put it, in his paper on volunteers in Japan,

In order to rehabilitate and reintegrate offenders into the community, it is crucial that the citizens in the offender's community understand, accept and stand by the offender as a neighbour and citizen. VPOs, as liaisons between offenders and their communities, are the key individuals to facilitate this sense of acceptance by the community as well as the rehabilitation of offenders.

This proposal is fully supported by the findings from research into desistance.

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# INTER-AGENCY COOPERATION: HOW CAN IT BEST ENHANCE COMPLIANCE WITH THE LAW?

*Rob Canton\**

This paper will consider inter-agency work. The expression is commonly used, but perhaps it is not always understood by everyone in quite the same way and this could lead to confusion, especially when agencies actually attempt to work together. The advantages of working in this way will be discussed. While 'inter-agency work' plainly implies some degree of cooperation, sometimes agencies seek to go further than this and to create arrangements in which their work is integrated. There are differences in the degree of integration that is sought and achieved and some working arrangements from the UK will be set out as examples. In England and Wales, the aspiration of inter-agency work has transformed probation's understanding of its role, and probation now sees working in collaboration with other agencies as essential to achieving its objectives — and some other agencies share the belief that their own responsibilities and remit can best be advanced in this way. Yet the policy commitment to inter-agency work has been expressed for many years now and still there are signs that agencies have a limited appreciation of each other's roles, skills and resources. They often communicate poorly and referrals among agencies do not always achieve quite what was intended. In short, inter-agency work does not always achieve as much as has been hoped and if we are to make progress we need to understand the difficulties as well as the advantages.

The paper will therefore go on to consider some of the complications and challenges involved in establishing inter-agency partnerships. A parallel will be drawn between inter-agency work and inter-national work in Europe. It is widely agreed that some problems cannot be managed by countries working on their own, but the ambition to work together is sometimes frustrated by misunderstandings, as well as by differences of culture, law, economic resources and political priorities. The paper will conclude with an attempt to set out the strengths and weaknesses of inter-agency work, the opportunities it presents and the threats to their achievement, before finally offering a few suggestions about what might be done to enable inter-agency arrangements to flourish and achieve their potential.

## I. WHAT IS INTER-AGENCY WORK?

At its most simple, inter-agency involves two or more agencies deciding to work together in partnership. It originates in the recognition by these agencies (or by policy makers at a higher level) that they have a common concern and / or that they are often working with the same people. It is possible that an agency may not even be aware that other agencies have the same concern so that they make their contribution without regard to the involvement of others. But most agencies now appreciate that (for example) when the offender who is under probation supervision and the drug misuser who attends the clinic are *the same person*, then some degree of collaboration and information exchange will help both agencies to do their work more efficiently and effectively. They may then discover that this same person is unemployed and perhaps at risk of becoming homeless and at that point they may want to liaise with accommodation and with employment agencies.

Complex problems, then, call for the expertise and resources of different agencies. In the particular case of criminal justice, the offending-related needs of many offenders require a coordinated and complementary inter-disciplinary response. But how close a partnership ought this to be? A useful distinction can be made between *multi-agency* work — which may be said to begin when several agencies become aware that they share concerns and clients and begin to think about how to work together — and *inter-agency* work which implies at least some degree of blending, mixing or fusing. We shall say more later about these levels of cooperation and integration.

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## II. WHY WORK IN THIS WAY?

The advantages of agency cooperation are obvious. Different agencies have their own duties, their own expertise and resources. The European Probation Rules put it this way:

Probation agencies shall work in partnership with other public or private organisations and local communities to promote the social inclusion of offenders. Co-ordinated and complementary inter-agency and inter-disciplinary work is necessary to meet the often complex needs of offenders and to enhance community safety. (European Probation Rules 2010: Rule 12)

These Rules affirm social inclusion as a guiding principle of probation practice. If the social inclusion of offenders is to be achieved, probation must work in close cooperation with a wide range of other agencies. Organisations, for instance accommodation and employment agencies or services for drug users, have a duty to provide services to all eligible clients and may need the guidance of probation to help them make sure that their services are readily and fairly accessible to offenders.

Let us look more closely at these 'complex needs'. Many factors have been thought to influence the chances of people offending. These are set out in the table below, where the right hand column identifies some of the agencies that may be able to make a contribution to influencing these factors.

Individual / psychological / health factors	Psychologists, doctors, teachers
Family	Counsellors, social workers, child guidance, parenting guidance
Socio-economic	Financial support and advice, housing providers, employment agencies
Peers and associates	Youth workers, police, community workers
School	School, education welfare staff
Neighbourhood	Local authorities, planning, housing agencies

A UK Government report in 2002 (Social Exclusion Unit 2002) drew attention to the number of offences that are committed by people leaving prison. It emphasised that in England and Wales prisoners are very socially disadvantaged. The report identified a particular set of social influences on offending that are plainly linked with chances of reoffending or, if changed for the better, may support someone in developing a way of living in which offending has no place. These are:

- accommodation
- education, training and employment;
- health
- drugs and alcohol
- finance, benefits and debt
- children and families
- attitudes, thinking and behaviour

Other countries may well recognise the factors listed here, even if they might want to add or subtract one or two of them. The similarities between these factors and those set out in the table are also to be noted. In the same way, these influences seem to call for an inter-agency response. A point to emphasise is that while it is possible to set out needs separately in a list, in the lives of individuals they are not experienced in this way. **Problems and needs interact and many difficulties** (for example, drug misuse) **make other problems** (for example, offending) **even worse. Just as needs are experienced in this way,**

**agencies need to take account of their interactions in their response.**

It is also to be noted that most of the agencies identified are not agencies of criminal justice. A very basic question is: *which agency or agencies has a responsibility to try to reduce crime?* In the UK, and I suspect in many other countries as well, the first reaction is to think of the agencies of criminal justice — the police, the courts, the prosecutor's office, the prison and probation services — but as we have just seen many other agencies have a role here too. Theories of crime prevention (*crime reduction* is a better term) sometimes distinguishes between situational and social crime reduction. Situational crime reduction looks at how and where crimes take place and tries to block opportunities, by security devices or increasing surveillance — either 'natural' surveillance or CCTV. For example, the architecture and design of houses and shops, the lighting and layout of streets, transport routes can all make a difference to patterns of theft and assault. Product design is also very important here. Whenever a new product is being designed now, the manufacturers are being encouraged to think about how to guard against it being stolen or about the ways in which it might be misused for criminal purposes. For instance, cars are much more difficult to steal than they were 10 years ago. New technologies change opportunities for crimes and designers should also be trying to anticipate crime opportunities and to block them. 'Social' crime prevention is what most of this paper has been discussing so far. This recognises that educational, employment, accommodation, health and other social provision, especially when directed towards those most likely to offend, can make a decisive difference.

What type of agency cooperation is needed to work on crime reduction may depend on whether this is approached through situational or social measures. For example, the police know a great deal about how and where crimes take place and so do shopkeepers, who may be victims of thefts. They need to work together and with security experts and product designers. But if the emphasis is on *social* prevention, a very different team is needed. Our concern here is mostly with social rather than situational crime reduction, but among the first and most important matters to note is that **which agencies are to work together and how depends, first of all, on the concern they are attempting to address and how the problem is understood.** And these are policy decisions.

Some of the areas that seem to need a collective response of some kind include:

- General crime prevention
- Violence in the home
- Keeping children safe
- Drug misuse
- Mental health

These are some of the biggest crime problems that almost all modern societies have to confront and are at the centre of criminal justice work. Rather than being something exceptional, therefore, inter-agency work has come to be seen as the best way of trying to address these problems.

It may be of interest that some European countries report that when, in the spirit of the European Rules just cited, probation agencies approach other organisations, the first response they often receive is that these other agencies say they have no legal obligation or authority to work in this way: it is not their job to work with 'the clients of probation'. But they soon come to see that some of their most problematic clients or, just as importantly, some of the neediest people they have a duty to help but whom they are finding it hard to reach are under probation supervision. Sometimes the initiative is taken by these other agencies. For example, in one country where I have undertaken some work, concerns about violence in the home, usually against women and / or children, were first identified by social services and welfare agencies who approached probation and police in the belief that this needed a collective response. Gradually, then, other agencies are becoming aware that probation has a contribution to make to their work in some areas that are the concern of all.

### III. DEGREES OF INTEGRATION

Once agencies have recognised a need to work in collaboration, the next question is what form this partnership ought to take. Let us consider someone who is leaving prison with nowhere to live — very common in UK — or perhaps leaving a halfway house to find independent accommodation. Perhaps he also has a history of drug misuse and his unsettled lifestyle has made it difficult for him to persuade an employer that he should be given a job. There will be a need in such circumstances for some degree of liaison between the agencies with the skills and resources to support him in his efforts at desistance. In order for all these agencies to do their work properly, they will need to liaise.

At a simple level of *multi-agency* cooperation, it may be sufficient to set in place agreements about exchange of information; about referral — about how and when a probation worker should approach and seek to involve other agencies. For example, if a probation worker is aware that someone is at risk of misusing drugs, how are they to access the right kind of support for the client? Bilateral service level agreements might be negotiated between senior managers to make sure that the agencies are working well together, that there is a shared understanding of what each agency can expect of the other(s), about mechanisms of referral, about payments and so on. Each agency retains its own identity and may not need a great deal of detailed knowledge about how the other agency operates. In principle, this degree of integration ought not to pose too many problems and indeed the partners will be helping each other to fulfil their duties. In the case of the accommodation agency, the probation service is helping the agency to fulfil its responsibilities by putting them in touch with very needy people whom they should be keen to serve.

Yet even at this level cooperation has sometimes been frustrating. There have been any numbers of government reports and inquiries in the UK that suggest misunderstandings between individuals and organisations, that communication has been poor and that agencies do not call on one another's services appropriately. Problems also arise when one agency feels that the other is not practising as it should — for example it may be failing to provide its services in a way that can be accessed by some of its potential clients — and challenges it to review and maybe to change its practises. For instance, some agencies do not give former prisoners fair opportunities or reasonable access to their services and need to think about how to do this.

It is easy to see how negotiations like these could develop in a direction towards *inter-agency* work. Rather than seeing just two options (multi- or inter-agency), it has been suggested that these are better seen as ends of a continuum and that there are other models that sit somewhere in between.

- The **communication model** — where agencies recognise that they have a role to play in relation to each other, but do not go beyond communication. The communication may be one-way or two-way, and may involve full or partial disclosure of information.
- The **cooperation model** — where agencies maintain separate boundaries and identities, but agree to work on a mutually defined problem. This may involve joint action, or it may involve one agency (or more) consenting to another taking the initiative to act.
- The **coordination model** — agencies work together in a systematic way; there are defined agency boundaries but agencies may pool resources to tackle mutually agreed problems.
- The **federation model** — in this model agencies retain their organisational distinctiveness but also share some central focus. The agencies operate integrated services.
- The **merger model** — in this model agencies become indistinguishable from one another in working on a mutually defined problem and they form a collective resource pool. (Liddle and Gelsthorpe 1994)

### IV. SOME EXAMPLES FROM THE UK

Here are some examples from England of agencies working together.

### A. Multi-Agency Public Protection Arrangements (MAPPA)

These are inter-agency arrangements designed to manage offenders who may cause serious harm to others. Many of these are people who have served their prison term and are now in the community. The principal agencies involved are police and probation, but prison staff (sharing their knowledge of offenders from the time when they were in prison), psychologists, social workers (child protection), housing department (area of residence) and sometimes others may also be involved. They agree that their shared objective is to work out how best to protect the community from the offender's risks. But they may not always agree about how this is best to be achieved and may make assumptions about what other agencies are contributing. A central part of the process, therefore, is the MAPPA meeting where these different personnel meet together to devise a protection plan, discuss and monitor its implementation. This includes negotiating any disagreements and clarifying any potential misunderstandings. Between meetings, they will often need to communicate by phone and email. They remain working as staff in their respective agencies, where they are regarded as holding a specialist role.

This is very different from the general strategic inter-agency work discussed earlier in relation to crime reduction. MAPPA is normally concerned with the management of particular cases rather than with a general policy or strategy. On the other hand, **attention to individual cases will sometimes call attention to difficulties that require a change in general policy**, (the distinction between policy and practice is not always easy to discern), so this too must be reviewed periodically.

These staff have had to learn to work together and it has usually taken time to build understanding and confidence. But MAPPA is widely believed to be successful and the model of working in this way has been extended to other groups. There are now in England Prolific and Persistent Offender Projects where police and probation staff work very closely together to manage the most persistent offenders — not many of them especially *serious* offenders (and therefore not suitable for the intensive and expensive MAPPA scheme). There are also Integrated Offender Management schemes in many areas, again involving both police and probation (Home Office / Ministry of Justice 2015). In terms of the models set out earlier, this is more than just multi-agency communication or cooperation and is moving closer to inter-agency coordination, where agencies work together in a systematic way: there are defined agency boundaries but agencies may pool resources to tackle mutually agreed problems.

### B. Youth Offending Teams

The greatest step towards agency integration in England has been Youth Offending Teams (YOTs). The move towards this was prompted by the recognition that the behaviour of young people is a responsibility of services including but well beyond the criminal justice system. Many links are obvious — for example, not going to school can lead to crime; drug use is associated with health risks and problems. In 1998, to response to this, Youth Offending Teams were established. These Teams have their own offices where staff, seconded from several agencies, go to work — police, social work, probation, health and education services. Staff will often say that they are YOT workers, rather than (say) police officers or social workers.

Does this mean that a new agency has been created? If so, how does it relate to all the others? There seem to be two opposite risks to be avoided here. On the one hand, **unless the team develops its own working objectives and ethos, it will not have achieved the full integration intended. On the other hand, if it does establish this separate identity, it may have become just another agency which must now find ways of working with all the others.** In some places, YOTs have started to recruit their own staff, many of them minimally qualified and inexperienced, leading to a lack of professional identity and without any connection with the 'parent' organisation. This undermines the original policy ambition to combine specialist expertise, with the range of different skills and perspectives that different organisations represent. As Liddle and Gelsthorpe (1994) put it "internal factors can ... lead to a separation of individual representatives from their own agencies, and to a perception that particular representatives are not 'bringing their agencies with them' to the work."

## V. PROBATION AND INTER-AGENCY WORK

The move towards increasing inter-agency cooperation has fitted well with other policy initiatives in probation in the UK. Twenty-five years ago, the UK government said, 'Probation officers must see them-

selves less as exclusive providers of services and facilities, and more as managers of supervision programmes' (Home Office 1990). Given the wide range of social needs associated with offending and with desistance, it made sense for probation to work with other agencies of civil society. There are other organisations whose task it is to help people who are homeless, help them to find accommodation, offer drug treatment and so on. Rather than try to create these services within the probation agency, it would be better for probation to work in partnership with these other organisations to make sure that offenders have fair and reasonable access to their service in just the same way as other citizens.

As well as seeking to consolidate cooperation with established agencies, however, this initiative led to the emergence of a variety of voluntary independent agencies (NGOs). For example, instead of offering counselling to a drug user, probation staff were now expected to refer them to a drug agency. These trends were not universally welcomed. Some probation staff were doubtful about the quality of service provided by others and highly suspicious that the partnership enterprise might undermine their job security. Probation officers were keen to guard what they regarded as their 'professional autonomy'. There were accordingly differences in the quality of partnership activity between areas in different parts of the country. "Moreover, the inexperience of senior managers in developing and supporting contracted services contributed to early difficulties in resolving tensions between practitioners at ground level." (Rumgay 2007). As time went by, however, levels of mutual confidence and trust increased.

"Confidence in its ability to protect its boundaries, recognition that voluntary sector workers had little interest in taking over core Probation Service responsibilities and a diminution of central interest in this particular variety of partnership were perhaps strong factors in a relaxation of probation officers' preoccupation with this threat to their autonomy during the later 1990s." (Rumgay 2007)

Here, perhaps, is another important general message about **inter-agency work. It can take time to develop.** People need to come to understand and trust each other and this is best achieved by actual experience of discovering each other's skills and reliability in working with particular cases. **It cannot just be made to happen by the instruction of senior management.**

Inter-agency work, then, is one of the origins of the idea of offender management. This has given its name to modern English probation — which is part of a National Offender Management Service. The probation officer is now called the offender manager and coordinates the involvement of other specialist agencies, including making referrals and checking with them that any work they undertake with individual offenders is proceeding as it should. The offender manager, in relation to a particular case, can be seen as a leader of a team involved in a collective endeavour. This too is a most important point. **If many workers are involved, there is a risk that a collective responsibility will end up being the responsibility of no one at all. A key worker or case manager holds final responsibility, even though they do not undertake all the tasks personally.** This is yet another model of inter-agency work. Here it is not always necessary for every agency to be concerned with the involvement of every other. Rather than the image of the jigsaw on the slide, a better image may be of a wheel — the different agencies being the spokes and the offender manager the hub of the wheel.

This offender manager / probation officer also offers a consistent figure for the individual offender. A professional relationship is central to the success of this way of working<sup>1</sup>. The offender manager / probation officer is best placed to hold that role in the UK, although of course other arrangements apply in other countries. This person is also responsible for enforcement — making sure that the individual does what is expected of them and responding to non-compliance. Thus, if an individual is required to undertake drug treatment but does not cooperate, the drugs agency will report this to the probation officer who will

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<sup>1</sup>A strong relationship with the professional probation officer — or as often in Japan a volunteer probation officer — is needed to help the offender to make sense and to benefit some of these interventions and opportunities. And research suggests that a relationship — based on trust and mutual respect — is every bit as important as the particular treatment method adopted. A recurring finding from research is that no method or intervention is any more effective than the rest; rather it is common aspects of each intervention that bring about change — for example, warmth, respect, genuine concern, patience and avoiding negative judgement. Relationship skills are at least as critical in reducing reoffending as programme content. And ex-offenders are much more likely to recall the influence of a person than of a programme.

take appropriate action. In this respect too, the professional relationship is critical. It is believed that people are much more likely to comply when they trust the person with whom they are working, recognising the legitimacy of the requirements expected of them and aware that this is a professional who has a genuine concern for them.

## VI. SOME COMPLICATIONS AND CHALLENGES

Since there has been such a long-standing commitment to inter-agency work and no one really opposes it, it is worth asking why this agenda has not made even more progress and continues to pose challenges and complications — at least in the UK. Some of the reasons for this include:

- agencies have different responsibilities and priorities;
- there are differences in power and influence — some agencies can ‘set the agenda’ much more readily than others;
- some organisations send their most senior staff to inter-agency meetings while others send more junior representatives — this ought to depend on the purpose of the meeting, but at a policy level the representative must be seen as credible and someone with the status and authority to commit their agency to any agreement;
- staff have different professional backgrounds and training — this is a strength, of course, but it can also lead to misunderstandings and, at worst, even to professional rivalries;
- senior managers set targets or *key performance indicators* for their own agencies and these may take precedence over the targets negotiated among different organisations; the targets and priorities of different agencies are likely to be different and they may not fit together easily; **internal imperatives and priorities can hinder sensible cooperation;**
- the involvement of too many people can make for difficult committee meetings and excessively complex working arrangements;
- while inter-agency work should help everybody to work more efficiently and effectively, it can take a lot of resources to make it work; smaller agencies may struggle to find capacity to contribute as much as they would like and to attend all the meetings;
- **agencies may have different ideas about what exactly the problem is that needs to be addressed collectively and what would count as a solution to it;**
- sometimes arrangements are agreed at a senior management or policy-making level, as we have seen, but do not work so well at the level of practice
- on the other hand, practitioners may have mutual confidence and understanding, but are not helped by differences at the level of policy and targets or are let down by uncertain agreements among the organisations involved. (Pycroft and Gough 2010)

## VII. INTERNATIONAL WORK

The next part of this paper may seem like a sharp change of direction, but I hope that its relevance will soon become clear. The European Probation Rules were mentioned earlier and a bit more needs to be said about these. This is a map of Europe with the 47 member states of the Council. You will see that this is much larger than the European Union and includes many countries outside the EU — for example, the Russian Federation, Turkey, Ukraine, Armenia, Azerbaijan.

It is Europe’s oldest political organisation (1949). The EU is first and foremost an economic union. The Council represents a European commitment to human rights.



Starting with the European Convention on Human Rights, the Council *sets standards* in many areas and especially in the area of criminal law and punishment. It *inspects* practice (notably the Committee for the Prevention of Torture) and also *enables cooperation and development*.

Europe is increasingly aware that its several nations face many common crime problems. For example:

- International crime
- Drug trafficking
- Human trafficking
- Immigration and movement of

peoples

- Most prisons in Europe hold very large numbers of people from other countries
- Transfers are often appropriate

None of these problems can sensibly be addressed just at the level of the nation state, and the need to try to manage them through international cooperation is obvious. Perhaps the parallels with inter-agency work within a single country are already becoming apparent. While all countries believe that they must work together, they immediately encounter the challenge that they have:

- Different legal systems
- Different agency arrangements
- Different histories, cultures, attitudes towards law enforcement
- Various economic / political pressures
- Differences in prison conditions and overcrowding (which complicates transfer)

Perhaps the reason for introducing this topic into a presentation on inter-agency work is now clear. All are agreed on cooperation, but the way in which this is to be achieved is not at all straightforward.

## VIII. STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS (SWOT) OF INTER-AGENCY WORK

### A. Strengths

- Complex problems need the expertise and resources of different agencies
- It makes no sense for agencies to duplicate the services that are offered by other experts and specialists
- The whole can be greater than the sum of the parts
- A collective endeavour is potentially much more efficient and effective

- There are some examples of inter-agency cooperation working well, notably MAPPA, and certainly other countries would have examples to offer

## **B. Weaknesses**

- Disagreement about priorities
- Communication is not always effective
- Referral to other agencies is important, but just giving individuals the address of the other agency and telling them to go there is unlikely to be effective; probation has no control over the quality of service offenders then experience
- Lack of clarity about aims and objectives
- Disputes about roles and responsibilities
- Misunderstandings about other agencies
- Evidence of effectiveness is quite weak
- Shared responsibility can lead to a lack of coordination and a reluctance to take lead responsibility
- Confusion for service users
- Needs trust — and can take time and resources to build this up
- Sometimes works well at practice level, but not at management level
- Sometimes the other way round

## **C. Opportunities**

- For a community to be responsible for responding to crimes
- Mutual respect and understanding
- Communication
- Organisation
- Joint training
- Joint targets / key performance indicators

## **D. Threats**

- “Partnership has itself become an industry, spawning an expanding population of consultation groups, steering committees, working parties and inspectorates designed, perhaps unintentionally, to have the effect of perpetuating the process rather than producing the outcomes of multi-agency collaboration.” (Rumgay 2007)
- Markets and private sector involvement can turn partners into competitors
- Partnership initiatives come to be valued only for their effectiveness in crime prevention

## IX. EFFECTIVE AND EFFICIENT INTER-AGENCY PRACTICE

Some of the reasons why inter-agency arrangements do not always function as hoped are well summarised by Judith Rumgay:

The complexities of delivering effective inter-agency work include issues in establishing appropriate and committed leadership, achieving clarity of aims, objectives and professional roles, and determining action plans and evaluative measures. None of these requirements are easily met and the history of many inter-agency working relationships have been troubled by conflicts, often rooted in ignorance of other agencies' priorities and constraints, professional perspectives and resources.' (Rumgay 2007)

Not easy indeed, but certainly achievable. Among the factors that can contribute to sound inter-agency work are:

- Establishing agreement about overall aims
- **Acknowledging the legitimacy of other points of view, especially other conceptions of what the problem is and what a solution would be like**
- Being willing to subsume agency loyalty to a partnership identity
- Being aware of the risk of inter-agency or inter-professional rivalries
- **Retaining strong connections with parent agency even as you work towards a shared ethos**
- Agreeing clear guidelines regarding accountability and what might be realistically expected from each participating agency
- Ensuring full and regular communication. (Liddle and Gelsthorpe 1994). In some (especially very large) organisations, internal communication is already difficult. Even when different divisions or departments are engaged in the same business for the same employing agency, there will sometimes be misunderstandings and miscommunication. Communication between different agencies will always be challenging and must be worked at patiently and continually

Inter-agency work is not a single and static arrangement. There are different ways of establishing inter-agency work and the configuration of agencies and the structures needed to support their work will depend on the areas of practice in which they are seeking to cooperate. As the work progresses, there will be a need to consider whether the lines of accountability and the supporting management systems are fit for their task. The aspiration of inter-agency work is compelling and is surely right in its principles, but as we have seen it is not easy to achieve and needs strong leadership — including leaders with the good sense and humility to learn from the experience of practitioners — mutual respect and trust between agencies, resources and time.

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# THE FUTURE OF COMMUNITY PENALTIES

*Rob Canton\**

This paper will begin by offering a definition of *community penalties* and giving some specific examples of the form that they take. While countries have different community penalties, there are some that are common to many different nations and indeed the challenges of policy and implementation are often much the same. The origins of probation and community punishment in England and Wales will be briefly discussed: although our concern here is with the future, this cannot be properly explored without due attention to the past and the present. The paper will go on to raise some questions about the purpose (or purposes) of community penalties and the extent to which these can be achieved. There will be a brief consideration of new technologies, the difference these are making both to the nature and to perceptions of practice. Before some final reflections on the likely futures of community penalties in England and Wales and indeed in Europe, the paper will set out some of the strengths and weaknesses of community penalties, the opportunities for positive development and some of the obstacles and threats.

## I. WHAT ARE COMMUNITY PENALTIES

The Council of Europe 1992 Rules on Community Sanctions and Measures<sup>1</sup> offer the following definition:

The term 'community sanctions and measures' refers to sanctions and measures which maintain the offender in the community and involve some restriction of his liberty through the imposition of conditions and / or obligations, and which are implemented by bodies designated in law for that purpose. The term designates any sanction imposed by a court or a judge, and any measure taken before or instead of a decision on a sanction as well as ways of enforcing a sentence of imprisonment outside a prison establishment.

The Council dislikes the very common expression *alternatives to custody*, incidentally, because it seems to imply that prison is the usual and standard case — the starting point, as it were, so that other sanctions have to prove their worth by the standards of prison. In its Rules, Europe regards prison as a last resort.

While it can be readily agreed that community penalties take place outside of prison, should the expression mean more than this? Should the community be involved somehow? How? These are topics to which we shall return. These penalties are very common in many countries, although they do not often receive as much attention as prison in the academic literature. In the first decade of this century, there were more than twice as many people on probation or parole in America as there were in prison. In Europe it has been estimated that some 2 million people are in prison while about 3.5 million are subject to some form of community sanctions. Again, very many people in prison go on to spend some time subject to community measures like parole.

## II. SOME EXAMPLES OF COMMUNITY PENALTIES

While the term *penalty* implies a punishment for an offence, we may also wish to consider related measures. For example, many countries have *bail systems* so that people do not have to be held in police custody or in prison when they are awaiting trial at court. Alternatives to pre-trial detention include such measures as requiring a suspected offender to reside at a specified address, to be supervised and assisted

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<sup>1</sup>If there is a distinction to be made between *sanctions and measures* and, on the other hand, *penalties*, it is not relevant for the purposes of this paper.

by an agency specified by a judicial authority. This is not a punishment, because punishment may not be imposed upon people unless and until they are found guilty. Another measure that should be mentioned is *conditional release from prison followed by post-release supervision* — often known as parole. In some countries, this is not regarded as punishment in itself — rather as a protective or preventive measure that follows the punishment of imprisonment, but many of the same practice challenges arise.

Here are some examples of community penalties. In many countries, a *probation order* is used as an independent sanction. This typically involves keeping in regular (though not necessarily frequent) contact with a representative of the probation service. Sometimes courts order a *suspended term of imprisonment* and at the same time imposes conditions with which the individual offender must comply. *Treatment orders* for drug or alcohol misusing offenders and those suffering from a mental disturbance that is related to their criminal behaviour are also used in many countries. There may be more *intensive supervision* for appropriate categories of offenders. There are also *penalties that restrict the individual's freedom of movement* by means of, for example, curfew orders or electronic monitoring. *Community service* (i.e. unpaid work on behalf of the community) is extremely common in Europe. *Victim compensation / reparation / victim-offender mediation* is less common, but of increasing interest for many reasons, as we shall see.

### III. PROBATION IN ENGLAND AND WALES

Probably the oldest and best known community punishment is the probation order. There is a legend about probation's origins in England. A man called Frederic Rainer visited the London Police Courts in 1876 and, dismayed by what he saw, wrote a letter to a Society of the Church of England in which he asked; "Offence after offence and sentence after sentence appear to be the inevitable lot of him whose foot has once slipped. Can nothing be done to arrest the downward career?" His letter is a defiant statement, expressing hope against pessimism, his belief in the possibility of change and rejecting the inevitability of incessant crime and punishment. Rainer wanted to reject never-ending punishment with a response to wrong-doing that respects dignity, decency and affirms a belief in the possibility of change. As it seems to me, Rainer was especially urging the ethical importance of giving people a fair chance to change. These are ethical and expressive values — by which I mean that we should be interested not only in what probation *does* but about what it *says* and *represents* in and through its work. The result of Rainer's letter was to introduce a small number of 'Police Court Missionaries' who attended court and offered, in suitable cases, to help individual offenders where the courts felt there was such a need and a reasonable opportunity to make a difference. These early probation officers gave practical help and used the influence of their personalities to bring about change. (I suspect that they would have immediately understood the ethos of probation volunteers in Japan.) When, thirty years later, these practices were formalised in law, probation was to be *instead of* punishment in appropriate cases. And what this was especially rejecting — though only in suitable cases — was corporal punishment, fines (which people often couldn't afford to pay) and prison.

Since then, probation in England has gone through a number of phases in which it has understood its work in different ways and attempted to present it accordingly to courts and to the public. The table below sets this out.

Phases of probation in England	Approximate dates
● helping people to change	● - 1930s
● rehabilitative treatment	● 1930 - 1970s
● 'nothing works'	● Mid 1970s
● alternatives to custody	● Late 1970s - 1980s
● punishment in the community	● Late 1980s - 1990s
● what works?	● Late 1990s
● public protection; offender management	● To date

This is too simple, of course (for a bit more detail and for further references, Canton 2011). Ways of working and of presenting work carry on and are never quite displaced by new ideas or methods. But roughly this sets out probation's objectives over the years. Helping was often very practical – for instance helping people to find a job or somewhere to live, perhaps trying to mend relationships with their families – but there was also the idea that a strong personality — perhaps a parent figure or an older brother or sister — can help to bring about change. Then followed a more scientific understanding — the use of some psychological techniques (especially counselling) to rehabilitate. In the mid-1970s, however, there was found to be a shortage of evidence that any particular form of intervention worked to reduce reoffending. In the UK, for example, Brody wrote:

It has seemed ... that longer sentences are no more effective than short ones, that different types of institutions work about equally as well, that probationers on the whole do no better than if they were sent to prison, and that rehabilitative programmes ... have no predictably beneficial effects. (1976: 37)

But if probation could not show itself to be better at reducing reconviction than other types of punishment, at least it was no *worse* and in particular it could provide a less damaging and cheaper alternative to prison. Meanwhile, as the issue of crime and punishment became more and more political — an area in which political parties competed — there was a perception that the public demanded punishment. Community penalties were considered to be too easy or lenient and probation was challenged to make them more demanding. This was a crucial step: probation and other community penalties were no longer to be *instead of punishment* but punishment in their own right. Whether or not the courts and the public saw them in this way is another matter.

Towards the end of the 1980s, research from North America challenged the pessimism that nothing worked very well. New research seemed to show that some methods *do* work (I shall say more about this later) and a new period in English probation was based on these claims. But meanwhile the increasing political priority came to be the management and reduction of *risk* and these new concerns came to dominate policy and practice. This digression into probation's history in England is a reminder that the purposes that people set for probation — and the way in which it is understood — *change*. Over time, the kinds of community punishments available have changed and different purposes have been set for them.

One of the most important community penalties was first introduced in England in 1972. Community service is a community penalty which involves offenders working without payment for the benefit of the community as real or symbolic reparation for the harms their crimes have caused. Over the years this has become a very common punishment in almost all European countries. But it is a good example of the difficulties involved in trying to specify a particular single purpose for a community penalty. For example, some have argued that community service should be regarded as a *punishment* because it takes away people's time, labour and skill. Others insist that the work itself should be tough — it ought to be hard labour and nothing easy. But it can also be a form of *rehabilitation* — because giving people useful things to do enables them to develop their skills and interests and, at best, enables them to develop useful work habits and a more considerate attitude to others. It *makes amends* — by undertaking useful work offenders can really begin to pay the community back for the harm they had done. Some feel that the tasks assigned to offenders should in some way emphasise *social inclusion*. Having several different purposes — and purposes that may not always easily fit together — is very typical of community punishment in general. It is rare that a penalty has just one purpose, but if there are a number of purposes hard questions arise: are the several purposes compatible? (can they all be pursued?) are some purposes more important than others?

#### IV. PROBATION OBJECTIVES IN EUROPE

Nowadays different countries set one or more of the following objectives for community penalties. It is to be noted that these are different objectives and evaluation of their success would therefore need different indicators.

- To reduce prison numbers by providing alternative sentences
- To protect the public by controlling offenders in the community

- To reduce reconviction through rehabilitation
- Reparation and mediation

We shall have a look at these objectives one by one in more detail.

### **A. Reduce Prison Numbers by Providing Alternatives to Custody**

This could be done either by sending fewer people to prison and instead imposing community penalties ('closing the front door') or by early release schemes like parole under which prisoners would be supervised after leaving prison ('opening the back door'). (Or by both methods, of course.) But community penalties have been disappointing in their effects in this respect. They do not seem to reduce the prison population and may not even much slow down its increase. Rather than displacing people from custody, they just draw more people into a net and subject them to increased levels of intervention. In most European countries, large numbers of people subject to community punishments are offenders who would probably **not** otherwise have gone to prison, but would have been dealt with in other ways — by financial penalties, warnings, other community penalties (Aebi *et al* 2015). And many of those early released from prison are then recalled for violations of their conditional release. The judgement has been taken that the public will only tolerate early release if they can be assured that there will be tight enforcement and that any violation will lead to a recall to prison. In the UK, this has led to large numbers being received back into prison. In the USA, this tendency has been even more marked. In 2006, almost 2/3 of all prison admissions in California were parole violations and many of them were technical. (See Robinson, McNeill and Maruna 2013). And of course once someone has been seen to 'fail' on parole, authorities will often be most reluctant to give them another chance. The general message is clear. Community penalties are not an efficient means of reducing the prison population. They have contributed to some successes in certain countries (Lappi - Seppälä 2007), but many countries, especially in eastern Europe where there is often a legacy of high prison populations from their Soviet days, have discovered that establishing a probation service and creating a range of community penalties will not solve this problem on its own.

### **B. Protect the Public by Controlling Offenders in the Community**

Public protection is political priority in many countries. There are examples of arrangements where high risk offenders have been managed safely in the community. England and Wales is very proud of its Multi-agency public protection arrangements (MAPPA) under which several agencies, usually led by the police and by the probation service, work together combining their skills and resources to guard against serious offending by dangerous people. These achievements must not be under-estimated. But here too there is a challenge of credibility. The public only becomes aware of public protection when things go wrong — a serious crime takes place and arrangements are judged to have failed. Even when inquiry shows that probation and other agencies have done everything possible, there is still often political criticism and calls for changes to be made. Can community punishment ever match the certainty in protection that imprisonment seems to offer?

### **C. Reduce Reconviction through Rehabilitation**

The pessimistic idea that nothing works was challenged by research findings, especially from Canada and the USA, that some kinds of programme were successful in reducing reconviction after all. These successful programmes focused on:

- Risks — the higher the risk of reoffending, the more intensive and extended the supervision programme should be. This principle can accordingly be used to determine who should be worked with and to what level.
- Needs — the focus of intervention must be on those needs or factors associated with their offending. These are known as criminogenic needs<sup>2</sup>.
- Responsivity — 'ensuring that all interventions, programmes and activities with offenders are run in a way which is engaging, encourages full participation and takes account of issues of identity

<sup>2</sup>These differ from person to person, of course, but common needs include: pro-criminal attitudes ('thoughts, values and sentiments supportive of criminal behaviour'); pro-criminal associates; employment; poor personal relationships; substance abuse (drugs, alcohol) (Andrews and Bonta 2010: 46).

and diversity.' (Dominey 2007)

and were

- Multi-modal (different methods / skills) — offenders' problems are diverse, calling for a correspondingly diverse repertoire of interventions.
- Delivered as intended (programme integrity) — supporters of RNR claimed that where results were disappointing this may be because they had not been implemented appropriately (Andrews and Bonta 2010)
- Community based — Programmes in the community were said to be more effective than those undertaken in prisons.

It was claimed that programmes — sequenced and structured interventions — could reduce reoffending below the predicted rates by measurable amounts and these insights were the basis of English policy for probation in the late 1990s and the early years of this century. There were ambitious claims made when these programmes were developed in the UK, but they have not, perhaps, fulfilled the whole of their promise. Assessing the achievements of these programmes after 20 years of experience in England, it could be said that:

- Some things work quite well — if conditions are optimal
- Some things work in one context but not another, e.g. perhaps they work in the community but not so well in prison
- Some things work with some people but not others — for example, perhaps they work quite well with men, but less so with women; or they work well with younger people, but not so well with older
- Programmes must be well-designed and targeted at those who are ready to change
- Programmes must be completed and must be followed up by probation staff

It is to be noted that by far the most usual form of community supervision in Europe remains 1:1 supervision (rather than group work) and undertaken in a fairly unsystematic way. While this is the most common arrangement, very little is known about how probation staff undertake this work and, for example, whether some approaches are more successful than others.

Whatever the value of programmes of intervention, most countries are fully aware that prisoners (and people subject to community punishments) experience huge social disadvantage. A UK government report found:

Compared with the general population, prisoners are **thirteen** times as likely to have been in care as a child<sup>3</sup>, **thirteen** times as likely to be unemployed, **ten** times as likely to have been a regular truant from school, **two and a half times** as likely to have had a family member convicted of a criminal offence, **six** times as likely to have been a young father, and **fifteen** times as likely to be HIV positive. Many prisoners' basic skills are very poor. **80 %** have writing skills, **65 %** numeracy skills and **50 %** reading skills at or below the level of an 11-year-old. **60 to 70 %** of prisoners were using drugs before imprisonment. Over **70 %** suffer from at least two mental disorders. And **20 %** of male and **37 %** of female sentenced prisoners have attempted suicide in the past. The position is often even worse for 18–20-year-olds, whose basic skills, unemployment rate and school exclusion background are all over **a third** worse than those of older prisoners. (Social Exclusion Unit 2002: 6, emphasis in original).

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<sup>3</sup>In care means brought up in a children's home or a foster family.

It is plausible to link these disadvantages with their offending and unless their life chances are improved, further offending is likely to result. Even if their attitudes and thinking can be changed by probation interventions, they need fair opportunities to develop lawful ways of living — lives in which offending has no place.

The report particularly identified the importance of the following factors in influencing further offending or desistance:

- Accommodation
- Education, training and employment;
- Health
- Drugs and alcohol
- Finance, benefits and debt
- Children and families
- Attitudes, thinking and behaviour

It seems likely that many countries would report a similar experience, even if they would add or subtract from this list and perhaps give a different emphasis to some of these factors. Given this wide range of social needs, it made sense for probation to work with other agencies of civil society. There are other organisations whose task it is to help people who are homeless, help them to find employment, offer drug treatment and so on. Rather than try to create these services within the probation agency, it would be better to work with these other organisations to make sure that offenders have fair and reasonable access to the services available to other citizens. In England, these insights have transformed the way in which probation goes about its work and the expression 'offender management' is now commonly used. This has given its name to modern English probation — which is part of a National Offender Management Service. At its best, this represents the idea of social inclusion and means that community punishment is more than just punishment-outside-prison.

Yet it has also been emphasised that, without a guiding relationship, offender management is likely to be uncoordinated, confusing (especially for the offender in the middle of these often complex arrangements) and fragmented. Listening to what offenders themselves say about their experience of being supervised has returned attention to the importance of this working relationship. A relationship — based on trust and mutual respect — turns out from research to be every bit as important as the particular treatment method favoured. Without a relationship none of these benefits is likely to be achieved. Again, the similarity to the role of Japanese VPOs is apparent.

To summarise findings about rehabilitation: the predominant model of rehabilitation in Europe and North America is Risks-Needs-Responsivity. But the insights of desistance research — finding out more about the circumstances in which people come to stop offending — have emphasised that there is not only a need for personal change — change, that is, in the attitudes and motivation of offenders — but also in the opportunities available to them. Typically people stop offending by establishing ways of living in which offending has no place, where they come to see themselves not as offenders but as workers, perhaps, as husbands and wives, as parents and are regarded in this way by other people as well. In other words, they come to lead to good lives. But not everyone has the same understanding of what a 'good life' is and offenders must be allowed to flourish as they decide. Rehabilitative methods like RNR emphasise weaknesses and limitations — risks and needs — but more attention should be paid to offenders' strengths, their potential and their own ambitions. These 'positive' goals constitute more powerful motivation than the aversive goals associated with risks and needs. Probation can support these developments but cannot and should not try to lead them.

#### **D. Reparation and Mediation**

Attention to the needs and rights of victims has prompted many probation agencies to introduce into their policies and practices ways of working with and for victims. In many parts of the north and west of Europe, this has proved quite difficult as well-established agencies, created to work with offenders, have tried to work out how to add on — or, better, to *integrate* — work with victims. Newer services in Eastern Europe have managed this better, perhaps, and Romania and — especially — the Czech Republic have developed their new services with a full understanding of the importance of working with victims. The Czech Probation Service is named the Probation and Mediation Service. These are the guiding principles of working in this way.

- the response to crime should repair as much as possible the harm suffered by the victim;
- offenders should be brought to understand that their behaviour has had real consequences for the victim and the community;
- offenders can and should accept responsibility for their action;
- victims should have an opportunity to express their needs and to participate in determining the best way for the offender to make reparation;
- the community has a responsibility to contribute to this process. (Czech Republic Probation and Mediation Service 2013).

Traditional justice represents the relationship between the state and the offender. Reparation considers the offender and the victim, but at best goes further than this. The community — at a local rather than a national level — has an interest and a responsibility in responding to crime — in supporting the victim, holding the offender to account, trying to bring it about that the offender does not offend again. And as we have seen this involves not only personal change, but also opportunities. One obvious example is employment. It is well established that being employed is a very strong influence in avoiding further offending, but if employers take the view that they will not employ offenders because they are untrustworthy, then this 'pathway' out of crime can be blocked. Reparative approaches have the potential to enable communities to see that a crime could be interpreted as a sign of something wrong in society and a challenge to see how it can be put right — not only for this offender but to avoid offending by others.

#### **V. NEW TECHNOLOGIES**

Probation in Europe and in North America has been influenced in its work by new electronic technologies. Most obviously, the emphasis on case recording and the inputting of data onto computers leads many probation staff in England to complain that they spend much more of their working time staring at a screen and typing at a keyboard than in meeting with offenders or victims. The capacity to build and analyse large data sets has led to a mode of 'actuarial' criminal justice where offenders are dealt with not as individuals but as members of groups. There are also other technologies that have the potential to transform probation practice. This seems, in Europe and North America at least, to make a difference to our thinking about the future of community penalties.

Electronic monitoring is widely used. At the moment, in UK, this mostly takes the form of a device fitted to the individual's ankle that communicates with another device attached to their home telephone. This is how curfews<sup>4</sup> are monitored. If the offender is away from home, the monitoring centre will receive an alert and as soon as possible someone will attend the premises to find out what is going on. Note that while this device can report an absence, it cannot tell you where the offender *is* (if away from the appointed place). Increasingly, this technology is looking likely to be replaced by GPS technology, using satellites to locate the offender — just like cell phones. Exclusion zones could be monitored in this way. For example, an offender might be ordered to stay away from a particular area and the GPS tracking device would be able to monitor this.

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<sup>4</sup>A curfew is a requirement to remain at home at certain hours, usually and especially at night time.

There are plenty of other devices besides. These include devices that detect the presence of alcohol through a deep lung breath sample. The results are transmitted remotely through a telephone connection. Test results are matched against a highly reliable biometric voiceprint to make sure that it is the offender (and not their sober friend!) who is blowing into the tube. At the start of a programme, subjects are visited to set up the system and the voice verification process is explained to them. An initial voice recording is taken from the subject, which is used as a blueprint for all future communication by telephone. Manufacturers claim “Our technology enables us to check the unique voice of the subject against our recorded and stored version each and every time the subject calls through.”

In London there has been an experiment to allow offenders released from prison and those serving community penalties to report to electronic kiosks rather than to probation officers. Some people would like this to be extended. Offenders will log into the machines, located in probation service offices, using fingerprints. Biometric reporting, as it is known, is used in the US, where the machines interact with large numbers of offenders. The machines ask offenders a series of questions, including whether they have changed their address or job and if they have been arrested since their last report or wish to speak to someone. Probation service managers will also be able to add individually tailored questions to those asked by the machines, which are believed to cost around £130,000 a year to operate. (23,348,433 Yen; \$ 191,000). Whether this is considered expensive depends on judgements about how much probation officer time they might be able to replace.

Technology brings both opportunities and threats. Will technology add to or replace the personal relationship? The Council of Europe prefers electronic monitoring to be used to support conventional probation supervision. But maybe some offenders would prefer an impersonal intervention. There is some evidence (Nellis 2010) that electronic monitoring can have some rehabilitative benefits – by bringing some structure and discipline into people’s lives — but it is not promoted to the general public or marketed in this way so much as a surveillance / control device. A personal worry is that the involvement of commercial firms in the manufacture of these devices, and often in their deployment, will have the effect of greater and greater use and lead to an expansion of penal control. Perhaps the most important message is that we must make sure that we use technology to support our work — technology should not lead it and we should not do things just because we can.

## VI. STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS

Before moving finally to consider the future of community penalties, it will be useful to look at their strengths and weaknesses, the opportunities they present and the threats of which we must be aware.

### A. Strengths

Here are some of the conspicuous strengths of community penalties.

- Avoiding the negative effects of prison.
- Potential to support desistance — people have to learn to stop offending in the community. Prison cannot bring this about. It has been said that you cannot teach someone to live responsibly in freedom by locking them up.
- Flexibility — several types of intervention can be combined to meet the diverse needs and circumstances of offenders.
- Relative financial costs — in principle, community penalties cost society much less than imprisonment.
- Represent the belief that people can change — the hope that Rainer expressed.
- Try to promote social inclusion. The prison wall ‘says’ you are apart, not one of us. Community penalties try to convey a very different message.
- Encourage communities to take responsibilities towards (ex)offenders and probation can advise

how to do this. (Japanese probation seems to do this very well. “The mission of all volunteer probation officers shall be, in the spirit of volunteer social service, to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, and **to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public.** (Art. 1, VPOs Act)” (Minoura, emphasis added)

## B. Weaknesses

On the other hand, community penalties have a number of weaknesses.

- They are not easy to explain to courts and to the public.
- They do not always look like a sufficient punishment.
- It is hard to find good evidence that community penalties achieve their objectives.
- Community involvement is often limited — ‘community’ often means no more than ‘not in prison’.

## C. Opportunities

- Community penalties challenge the automatic assumption that punishment must involve prison.
- If used well, community penalties can contribute to reducing the numbers of people in prison. Community penalties have had no more than limited success in lowering prison populations, as we have seen, but unless these sanctions exist and are well-developed, prosecutors and courts will have fewer options.
- Community penalties can help a community in recognising its responsibilities in reducing and responding to crime.
- Help to bring it about that offenders have genuine access to services available to the rest of the community — “VPOs, as liaisons between offenders and their communities, are the key individuals to facilitate this sense of acceptance by the community as well as the rehabilitation of offenders.” (Minoura)
- Greater participation of victims — who are often overlooked entirely in some criminal justice systems.
- Potential to solve problems rather than avoid them — prison avoids or postpones problems. Community penalties can attempt to solve them.<sup>5</sup>

## D. Threats

- Community penalties have often drawn more people into the processes of control and punishment rather than displacing them from prison.
- The increasing involvement of commercial and technology could lead to expansion.
- There is a risk that community penalties will be valued **only** as a device for reducing the numbers in prison not for their own intrinsic worth.
- Political demands for tough punishment could make it even harder to explain the value of

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<sup>5</sup>The concept of ‘community justice’ is of relevance here. It has been said that this rests on three principles: “First, the community is the ultimate consumer of criminal justice. Rather than offenders, or even victims, it is communities that the system ought to serve. Second, community justice is achieved in partnership at the local level. Third, it is problem focused: problems are addressed rather than cases processed.” Winstone and Pakes 2005: 2)

community penalties to a sceptical public.

- There is a risk that if community penalties are made more demanding in an attempt to show that they are 'credible' punishment, this could lead to *more* imprisonment (as has happened in parts of the USA). More requirements lead to more potential violations; then tight enforcement leads to more prison.

## VII. THE FUTURE OF COMMUNITY PENALTIES

Penal policy is influenced by social, political, economic and cultural factors that can be hard to anticipate. For example, penal policy has become much more 'political' in the UK and the USA than it was forty years ago. It has become more punitive and it is now hard for politicians to change direction for fear of accusations of 'being soft on crime'. On the other hand, financial pressures have brought about changes in some states of the USA, succeeding in reducing prison populations where other arguments have failed. Community penalties have been able to adapt by being presented in different ways – as punishment, as rehabilitation, as control. Public confidence / legitimacy is extremely important and is won by stating clearly what you are attempting to do and then doing it well — not by making unrealistic claims about rehabilitation or public protection.

One future for community penalties is that they will come to be seen just as means of surveillance and control. Political and / or public pressures will be seen to make it necessary for community penalties to be punitive and 'prison-like'. Increased technology might replace the human relationships on which probation fundamentally depends and more people will be drawn into an expanding system.

Another and better future might be this. Community penalties could be used to place an emphasis on social inclusion and to support opportunities for desistance. Crime can be regarded and used as an opportunity for the community to reflect on what is going wrong and to try to work out how arrangements might be improved. Japan again offers this vision of community involvement.

In order to promote public awareness of the importance of offender rehabilitation, improve social environments and engage communities in the prevention of crime, various activities are carried out in local communities by VPOs. These activities include street parades, small symposia for local citizens, video forums in school, essay competitions and displaying posters. VPOs conduct these crime prevention activities in cooperation with municipal governments, community citizens, police and other volunteer groups. Through these activities, local communities promote bonds in the community, and as a result, those efforts build safer and stronger communities. (Minoura)

Finally, I suggest that community penalties could be greatly enhanced by more attention to the voice of offenders themselves. In the UK, probation areas are establishing 'user councils' to find out what probationers and ex-prisoners themselves find to be best and, on the other hand, what needs to change. In UK probation has not taken these opportunities before, but is increasingly discovering that this is an invaluable guide to policy and to practice.

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## PARTICIPANTS' PAPERS

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### MULTI-AGENCY COOPERATION IN COMMUNITY-BASED TREATMENT OF OFFENDERS

*Joseph Kala Muasya\**

#### I. INTRODUCTION

The need for all agencies involved in the criminal justice system to work together in order to reduce the rate of recidivism cannot be over-emphasized. Probation and aftercare services in this regard work in collaboration with a host of agencies who play different roles in treatment and rehabilitation of offenders. Whatever contribution a partner is able to give towards the welfare of a reforming offender goes a long way in positively changing his/her life. Working in sync with all relevant players will ensure that information and other resources are shared and better results are achieved in the long term, as well as guaranteeing public safety.

The Probation Department, in recognition of the over-riding importance of collaboration and networking amongst the key agencies in offender treatment and rehabilitation, has in place a programme in the department for reform and collaboration which is managed by an Assistant Director of Probation whose mandate includes<sup>1</sup>: identification of relevant agencies or partners with whom to work, preparing an inventory of the same, exploring areas of cooperation, signing of MOU's on how to engage, establishment of a focal point for ease of operations by all agencies and research among other important issues<sup>2</sup>.

The programme's activities have been cascaded to the sub-county or community level where reports on engagements at this level are furnished to the probation headquarters on a quarterly basis, further showing how important this component of reforms and collaboration is to the department. All these activities are framed in a manner purposed to help in treatment and rehabilitation of all community-based offenders in order to succeed in gaining their full rehabilitation and reformation. With society being the most important stakeholder in that the offenders spend over 95% of their time in the same, its inclusion in all activities is paramount. As other areas of offender treatment and rehabilitation are worked on, the important role of psycho-social support is played by the offender's family and society at large. In this regard, the society carries the biggest burden in the rehabilitation process and hence the need to make it aware of the same in order to forestall or stifle any chance of stigmatizing the offender which is most likely to come from the community and which can negatively affect the rehabilitation process.

The key partners or agencies identified and who closely work with the Probation Department include:

1. Judiciary
2. Police service
3. Labour Ministry
4. Non-governmental organizations
5. Church and Faith-based organizations
6. Prison service

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<sup>1</sup>Probation and Aftercare Service (2014). Standards Operating Procedure Manual.

<sup>2</sup>Ibid (1).

7. The community.

However, the goal of reducing recidivism cannot be achieved if there is no synergy among all the mentioned stakeholders. The effectiveness of community-based treatment is dependent on all players playing their roles with commitment<sup>3</sup>. Evidence of cooperation in these critical areas of job and housing assistance in regard to offenders can be seen in the following engagements.

**A. Job Assistance for Offenders**

An engaged person has no time for anti-social thoughts and activities as the desire to meet his/her needs is satisfied. In regard to offenders, therefore, provision of jobs helps them attain self-reliance, greatly reducing the possibility of recidivism. The jobs available can either be in the formal or informal sector. In formal employment, the Probation Department has partnered with the Labour Ministry to secure jobs for offenders undergoing treatment and rehabilitation within the community. The Labour Ministry handles all matters related to employee welfare as well as recruitment<sup>4</sup>. Most organizations contact the Ministry whenever vacancies arise and especially in respect to semi-skilled and unskilled labour. The Labour Ministry, being a member of the department's case committee<sup>5</sup>, ensures that such information is passed on to the department for immediate action. As such, offenders undergoing rehabilitation are immediately referred, and those found to be in need of employment are able to secure such opportunities. This makes them more acceptable to the society as they can support themselves, their dependents and even participate in development projects within their communities.

In regard to informal job support, several agencies give much needed assistance. The Children's Department, which falls under the Labour Ministry, manages a social welfare fund for vulnerable groups within the society all over the country; they give each identified beneficiary a monthly stipend of Kshs 3000/- (approximately 28 US dollars) to cater for their basic needs. Though it may seem little, this money has had a significant impact on offenders under rehabilitation, especially those found to be vulnerable. In collaboration with the Children's Department, we are able to enroll them in the programme, offer them the required entrepreneurial skills and help them start small businesses whose proceeds they use for their own sustenance.

Non-governmental organizations equally play an important role in rehabilitation and treatment of offenders. While still in penal institutions, they receive vocational training which in most cases is not adequate. Once released, the NGOs come in to assist in further training of the offenders to a level where they can either get employed or employ themselves by starting small businesses. This is normally through our recommendation; we also work together to equip them with tools in line with the training skills gained which makes it easy for them to start businesses, open workshops and even offer employment to other members within their societies. Therefore, instead of being looked at as criminals or rejects and stigmatized, they are seen as resourceful members of their respective families and society earning a lot of respect and making rehabilitation efforts possible.

The existing legal framework ensures that data of all offenders is captured and safely kept for future reference by the Kenya Police Service for the purpose of tracking and management of crime and analysis of criminal trends which include fingerprinting. This therefore implies that offenders going through treatment and rehabilitation or those who have already gone through it cannot acquire a certificate of good conduct, a very vital document demanded by employers before offering a job to prospective job seekers. However, through our cooperation with the Police Service, those offenders being rehabilitated or those who have satisfactorily completed their sentences, are able to get this document if we so recommend. This gives the offender a chance to join the job market and earn an honest living, hence keeping away from behaviour which may lead him/her to recidivism.

**B. Preventing Recidivism through Housing Assistance.**

Shelter is a potent basic human need. Abraham Maslow in his theory of the hierarchy of human needs takes cognizance of this fact and places it first amongst food, water and air. It is therefore impossible to

<sup>3</sup>Probation service strategic plan 2008-2009.

<sup>4</sup>Directorate of personnel management - January 2006.

<sup>5</sup>Probation of offenders Act, Cap 64 (schedule R2).

attempt to rehabilitate offenders without first fulfilling this requirement. A significant number of offenders find themselves in a very tricky situation once released from penal institutions due to lack of a place they can call home. They either face rejection from their immediate families or they do not have anywhere they can call home if at the time of arrest they were living in the streets. Therefore, once released from prison they go back to the same streets that they knew as home. This calls for measures to offer them temporary shelter as a permanent solution is sought on their settlement and reintegration back into the society.

According to research carried out by the University of Cincinnati<sup>6</sup>, successful management of halfway houses or homes requires incorporation of the following: proper leadership and efficient implementation strategies, trained and adequate staff, appropriate and effective offender assessment and relevant components, and core correctional practices. All these will prepare the offender for smooth reintegration into society and greatly reduce his/her chances of recidivism.

The provision of halfway homes therefore comes in handy as a stop gap in the long reintegration process. This, however, is yet to fully take root in Kenya but despite this, a few NGOs have come up with facilities to help this category of offenders. There are several halfway homes in the country but key among those who cooperate with the Probation Department are Philemon Trust<sup>7</sup>, which has a fully furnished home to receive these offenders, and The Nest.

In addition to providing shelter to these offenders, Philemon Trust has partnered with the Probation Department to equip them with tools in line with training skills gained while in custody. This helps them establish businesses once they are allowed to join their families, making rehabilitation and treatment efforts succeed.

The Nest for example targets female offenders. They rescue children left behind by mothers sentenced to serve custodial sentences, and, once released, they take them in at their halfway house to reside with their children and provide shelter for a period of between three to six months. During this period, the mothers are given entrepreneurial skills as their families are prepared to receive them, and at the time of release, they are given capital to establish simple small businesses to help them earn viable and legal incomes<sup>8</sup>. As a department we step in as guarantors as the majority have no collateral to help them secure the offered seed capital; this is also a way of monitoring as we partner with the agency to rehabilitate and reintegrate them back into their societies.

Faith-based organizations also play an important role in providing temporary homes to offenders released from penal institutions, they take them in and besides accommodating them, they offer psycho-social support and even jobs in case such opportunities arise. Given the role these organizations play in the society in meeting members' spiritual needs, it becomes easy for them to facilitate seamless reintegration of these offenders into their communities. Some communities unconditionally accept the offenders once released from penal institutions; they even offer to assist in their rehabilitation, materially or sharing information with the supervising agency. This underlines the critical position the community holds in the entire offender rehabilitation and treatment process. Suffice it to say that this is an area which needs more focus as it can bridge the gap between the offenders and their communities in the reintegration process.

### **C. Effective Multi-Agency Cooperation.**

Offenders undergoing community-based rehabilitation and treatment normally face myriad challenges which mostly slow down or deter effective treatment processes. Though there are several agencies engaged in helping the offenders, their efforts duplicate each other, fall short of expectations, out compete each other or lack focus. There is hence need for all agencies in the criminal justice system to come together, collaborate and share resources in order to achieve the desired goal of fully rehabilitating and treating offenders within the community. There could be differences in the way all these agencies operate, but one common factor is helping the offender reform within the convenience of his community and, in the end, reducing recidivism and ensuring public safety. Some of the challenges faced at different levels are as follows:

<sup>6</sup> <[www.sciencedaily.com./release/2011/07/110711104759.htm](http://www.sciencedaily.com./release/2011/07/110711104759.htm)>. Science Daily, 11<sup>th</sup> July 2011.

<sup>7</sup> [philemon.kenya@gmail.com](mailto:philemon.kenya@gmail.com).

<sup>8</sup> <[104](http://www.nathanb.com>safaris>conservation</a>>.</p>
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- ✓ Lack of recognition at the ministerial level of the need to bring together all agencies dealing with offender treatment to operate under one roof.
- ✓ Lack of data on agencies giving aftercare to offenders who have gone through penal institutions such as halfway homes/houses.
- ✓ Failure to formulate policies to guide and regulate all agencies on areas of cooperation in treatment of offenders.
- ✓ Failure to allocate resources to oversee collaboration of all agencies handling the treatment and rehabilitation of offenders.
- ✓ Suspicion and mistrust among the agencies dealing with offender treatment.
- ✓ Inadequate skills on offender treatment by some of the agencies involved.
- ✓ Society's negative attitude towards its own members who have been caught up in the complex world of crime.

The situation however can improve immensely if the following steps are considered: first there is need to establish a government department to bring together all these agencies whose mandate is to help in treatment and rehabilitation of offenders in the community to allow networking and sharing of information. This will not only ensure that there is no duplication of services rendered but also will address the offenders' needs. A legal framework and policy to guide and bring together all these bodies needs to be put in place in order to streamline the operation of all these agencies. This will address the grey areas in their operations and bring parity in handling the affairs of the offenders in the face of the law.

In regard to halfway homes, the government must take up the responsibility of establishing the same and fully support those that exist to help smooth reintegration of released offenders back into the society instead of leaving their fate in the hands of other non-committal agencies. It should allocate adequate resources for the required infrastructure and lead the way in ensuring that the entire process of rehabilitation and treatment of offenders is properly handled as a way of improving the security of its citizens. Capacity-building also needs to be carried out within all agencies so that they may operate at the same knowledge levels.

Sensitization needs to be carried out for members of the society to make them understand their role and ensure that they participate in rehabilitation of their own as this will drastically reduce the level of stigma and at the same time increase the level of acceptance back into the society. Each agency also needs to have a data bank of all other partners and their mandate so that if there is need for referral, the same can be channeled to the right partner within the appropriate timeframe.

## II. CONCLUSION

A holistic approach needs to be adopted so that efforts by all agencies bear fruit and the same are transferred to the offenders whose lives will not only change, but society's view towards them will also positively change. The challenge therefore is to all agencies using various methods to rehabilitate and treat offenders to re-examine their mode of operation, renew their energies, come together and work as a team in order for their efforts to be felt in society.

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# MULTI-AGENCY COOPERATION IN COMMUNITY-BASED TREATMENT OF OFFENDERS

*Jeffrey Mesa\**

## I. CRIMINAL JUSTICE CHALLENGES IN PAPUA NEW GUINEA

### A. Socio-Economic Influences

Papua New Guinea ('PNG') is a developing country, with a population breaching 12 million people. Like any developing state, a large populace places a great demand on the National Government and its institutions as its socio-economic landscape continues to grow.

While the majority of the population subsists in the rural areas, urban drift has seen a large influx of people into the already heavily populated urban areas, testing the bounds of municipal authorities, and resulting in settlements springing up in and around cities and towns.

Formal employment is not always readily available for job seekers, and so most resort to the informal sector to eke out a living. The demographic competing for these limited job opportunities is mostly young adults (17-28 years) turned out into the economy with little qualification after secondary school, who cannot continue further into tertiary institutions for lack of meeting the required grades or placing, for sheer numbers vying for finite spaces. Housing standards are poor, and decent houses are too expensive to rent or purchase; families are forced to live together, two (2), three (3) generations at once in often small houses.

There are reports that the country's economy is strengthening with the major natural gas and petroleum projects currently in progress. Business investment is said to be growing and gaining firmly; however, these prospects have not translated into improved living standards for the larger population who are in the middle and lower classes. The Public Service conditions of employment are still in stark disparity to the cost of living, with remuneration levels hardly adjusted to meet the economic climate.

Bleak economic opportunities and the steep cost of living are probably the major challenges in the shift of the country; it is little surprise, then, that crime is a relative consequence of all these combustible factors. The hand-to-mouth culture has seen an increase in criminal frequency mainly out of the need to survive, let alone subsist.

## II. ROLE OF COMMUNITY-BASED TREATMENT AND ITS EFFECTS

With the rate of crime and overburdened correctional facilities, alternatives to imprisonment are a viable measure toward rehabilitating offenders and curbing reoffending. The Criminal Code Act gives discretionary power<sup>1</sup> to the National Courts ('Courts') of PNG to impose alternative punishments to imprisonment. Indeed, the Courts have taken to suspending sentences imposed on prisoners with a view that there is some chance for rehabilitation<sup>2</sup> and as a design to prevent reoffending as stated by Justice Hinchliffe, "*The suspension of a sentence of imprisonment is not an exercise in leniency, but an order made in the community interest designed to prevent reoffending which a prison sentence alone seldom does.*"<sup>3</sup>

### A. Historical Development

Historically, the concept of court-sanctioned probation began with the church, particularly, the Church of England Temperance Society (CETS) in 1876. A system was created where offenders were released by

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<sup>1</sup>Section 19 (1) (f), *Criminal Code Act* of 1974, Chapter 262; Papua New Guinea.

<sup>2</sup>*Acting Public Prosecutor v. Clement Maki and Tom Kasen* (1981) SC205 (Miles, J).

<sup>3</sup>*The State v. Frank Kagai* [1987] PNGLR 320, citing *William Davey* [1980] A Crim R 254 (Muirhead, J).

the Magistrates' Courts only on condition that they communicated with appointed missionaries from CETS and accepted guidance from them. These missionaries would later gain recognition as 'probation officers' in 1907, with the enacting of the Probation of Offenders Act in 1907 (England). This was particularly momentous, as the Act also allowed for the Courts to suspend part or all of an offender's sentence, on condition that the offenders enter into recognizance and be supervised by a probation officer<sup>4</sup>.

What was regarded as 'probation work' was eventually developed with the British Home Office assuming control of the probation service in 1938, and it went further to improve its services by particularizing care for children and women, together with offenders in need of psychiatric care. By the 1980s, inter-agency partnerships had developed and systems were put in place with alternatives to imprisonment programmes, dialling into the reduction of reoffending.

#### 1. PNG Probation Service

PNG, being a former British and then Australian colony, adopted the laws and Court systems of the Commonwealth. Indeed, our Criminal Code and Criminal Court systems are adopted from Queensland, Australia; needless to say, laws involving Probation and Parole were similarly adopted.

Community-based rehabilitation in PNG then, is supervised by the Probation Service, a part of what is now known as the Community Based Corrections ('CBC') agency. The Probation Service is established by the Probation Act<sup>5</sup> and is instrumental in providing an alternative punishment to serving an imprisonment term, thereby alleviating the prison population and providing a community-based form of rehabilitation.

#### **B. Mission**

The mission of the PNG Probation Services is similar to that of the mother agency (Department of Justice and Attorney General): 'Delivering excellent legal and law and justice services to the State and people of Papua New Guinea'.

The Probation Service's core responsibilities are:

- Ensuring appropriate compliance with, and administration of, sentences and orders;
- Providing accurate and timely information to the judiciary and parole board to inform the sentencing process and release conditions of offenders; and,
- Supporting reparation in the community.

These responsibilities entail that probation officers:

- Supervise offenders;
- Conduct counselling and skills programmes
- Conduct community work and education programmes.

These responsibilities and the Mission are synonymous with the historical origins (above) of the probation service.

#### **C. Overview of Agencies Related to Prevention of Recidivism**

It is an unfortunate circumstance that crime is seen as a common occurrence in the country, due in large part to a poor economy. This rising rate of crime has to be absorbed by the criminal justice system ('System') and its agencies on a national level, and this task is an immense one. The economic strictures are all too resonant here, when there is a real need to strengthen and broaden the agencies.

With greater accessibility to the urban and rural communities, and they to it, the agencies' collabora-

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<sup>4</sup> *The Guardian*; Wednesday 2 May, 2007.

<sup>5</sup>Section 4, *Probation Act* of 1979, Chapter 381; Papua New Guinea.

tive activities would certainly work to curb the crime rate and prevent reoffending.

### 1. Police

The Royal Papua New Guinea Constabulary is established in each of the country's 22 provinces, with a Ministry of its own. Presently it is hampered with practical impediments, such as insufficient personnel and non-availability of utilities such as vehicles, field equipment and housing for its members around the country. This issue of accommodation for officers in the rural areas and smaller urban centres (indeed major urban police barracks are in such a state of dilapidation) truly blunts the Constabulary's efficacy.

Where there is little or no presence of the police, lawlessness will be encouraged; with the arduous geography and remote reaches of the rural areas, policing is very challenging.

Coupled with these is the ominous in-fighting in the Constabulary and the perceived political influence of its higher rank and file. It does not bode well for the public's sense of confidence and security for an already tenuous agency to be publicly embattled.

### 2. Correctional Service

The Correctional Service is also established in the majority of the provinces, and it also has its own Ministry. Its institutional facilities were built during PNG's colonial era, and have not been reconstructed to accommodate the population growth and crime rate expectancy. The rate of prison breaks has become frequent in recent years due to the poor upkeep of prison structures, and the decrease in correctional personnel has seen a dangerously low disproportionality of the guard to prisoner ratio.

The Court processes are also long and slow, the effect being overpopulation in the prison facilities. Everyday there are newly arrested persons who are removed from the police station holding cells to the correctional facilities to undergo the Court process. This is a real problem as remandees can wait for almost two (2) years to have their cases dealt with; one can imagine in that time, more people being remanded to the point of overcrowding the prisons and costing the National Government millions of *Kina* (PNG national currency) for their keep.

### 3. Courts and Court Systems

The country's Court system comprises the Lower Courts, which are the Village Courts and Magistrates Courts, and the Higher Courts, which are the National Courts and the Supreme Courts. For their part, the Courts, particularly the National Courts and Magistrates' Courts through the National Judicial Staff Service<sup>6</sup> and the Magisterial Services<sup>7</sup>, have risen to meet this challenge; each has undergone vigorous restructuring to increase the number of judges and magistrates, with the aim of having multiple judges and magistrates to cater for each province.

Indeed, the last ten (10) years have seen this growth by the judiciary to accommodate the provinces (PNG has 22 provinces) with 43 appointed judges<sup>8</sup>; still more judges are needed. Again, the growing population has become better educated, and knowledge and awareness of rights at law has increased, therefore, the Courts have to meet two (2) general fronts: civil complaints of private citizens and criminal prosecution of offenders by the state.

## **D. Implementation of Community Based Treatment of Offenders**

During a prisoner's Court process, their defence counsel (the Public Solicitor) would have submitted to the Court that the prisoner was a good candidate for probation. To assist in determining this, the Courts direct the Probation Service to prepare a Pre-Sentence Report<sup>9</sup> (PSR) to garner more information.

The PSR will include detailed information about the prisoner's personal circumstances, attitude toward committing the offence and attitude toward a preferred sentence; the same information would be sought from the victim(s)/complainant(s) of the offence, and any independent source of reference for the prisoner.

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<sup>6</sup>*National Judicial Staff Service Act 1987* Chapter 11; Papua New Guinea.

<sup>7</sup>*Magisterial Service Act 1975* Chapter 43; Papua New Guinea.

<sup>8</sup>Ano Pala, Attorney General of Papua New Guinea, *The National* Friday 23<sup>rd</sup> October, 2015.

<sup>9</sup>Section 29, *Probation Act* of 1979, Chapter 381; Papua New Guinea.

This is compliant with the Probation Service's responsibilities outlined above.

### 1. Candidates for Probation

In PNG, capital punishment is the maximum punishment for crimes of wilful murder, piracy and treason. For these offences, probation would rarely be, if ever, considered.

Likewise crimes of aggravated violence like armed robbery and serious sexual offences seldom see suspensions of sentence and probationary orders. Kidu, CJ said: "*Rehabilitation or reformation is a factor to be considered in assessing a sentence. But in serious cases...it is something to be aimed at only in so far as it is compatible with the main function of the Court of protecting the public.*"<sup>10</sup> Therefore, it follows that the nature of the offence would be a determining factor to begin with.

With the growth of urban centres, a larger educated populace and easier access to technology, soft crimes like misappropriation, forgery, stealing and other property related offences have increased. These offences are mostly done out of need to feed a family or other financial reasons; therefore the Courts have held that imprisonment for these types of cases should be a last resort.<sup>11</sup> Community-based rehabilitation is preferred, with the peculiar sentence/orders that go with it. Again, the nature of the offence works to this end; these offences are not as aggravated, and the chances of reparation between the victim and offender, coupled with the offender's rehabilitation, are greater.

The peculiar facts and circumstances of the offence and offender are considered. The Court stated: "*While there is a need to maintain uniformity of sentence for the purpose of deterrence, the Court should not hesitate to depart from this uniformity where the particular facts of an individual case demand it. In this case, the facts militate in favour of leniency and against the imposition of a custodial sentence.*"<sup>12</sup>

For the sentence then, it is important to note that the Probation Officer (PO) will have input in the PSR. Having inter-acted with the prisoner, and spoken to the victims/complainants in compiling the PSR, the PO would be in a unique position to make a recommendation to the Courts on the prisoner's candidacy for a suspension of sentence<sup>13</sup>. The PO's experience in this regard is particularly relevant, as it will be the Probation Service that will play the principle supervisory role as only it can<sup>14</sup>.

### 2. Community-Based Sentence Example

A practical example of a community-based sentence through the Probation Act would be Community Work ('CW'), where the offender is sentenced to perform work in the community. This is supervised by a Probation Officer who identifies said area and maintains a schedule of the hours worked; the sentence is complete after the offender has worked all the hours set by the Court in the sentence.

#### i. *Case Study: The State v. XX, YY & ZZ*

This is an actual Probation Sentence imposed on three (3) co-offenders in 2004 by the National Court in Port Moresby, PNG. To protect their identities, their names and circumstances have been altered, but the offence and sentence situation has not.

The three (3) offenders (2 males and a female) all worked together in a government department. The men were experienced agricultural field officers while the third (female) was in the accounts section. The three collaborated to adjust Annual Leave entitlements, with the female offender making false invoice entries to include ghost names for each of their claims for air travel expenses. These false invoices were processed, and each offender was paid a larger claim than they ought to have been; the total misappropriated in the fraud was K 35,000.00.

<sup>10</sup> *John Elipa Kalabus v. The State* [1988] 193 at 196-197.

<sup>11</sup> *Wellington Bellawa v. The State* [1988-89] PNGLR at 381.

<sup>12</sup> *The State v. Keputong Nagong* (1980) N225.

<sup>13</sup> *Acting Public Prosecutor v. Don Hale* [1998] PGSC 26; SC 564 (Amet CJ, Kirriwom, Kandakasi JJ) & *Edmund Gima & Siune Arnold v. The State* [2003] PGSC 3; SC730 (Kirriwom, Kandakasi, Batari JJ).

<sup>14</sup> *The Public Prosecutor v. Sima Kone* [1979] PNGLR 294 (Prentice CJ, Saldanha, Greville-Smith, JJ).

All three (3) offenders appeared in Court and pleaded guilty to the charges of conspiracy and misappropriation. The Public Solicitor appeared for each of the offenders and asked for a PSR for each of them. The PSR recommended they all be placed on probation, which the Public Solicitor pressed for in seeking an appropriate sentence.

Each offender was sentenced to four (4) years' imprisonment, but the sentences were suspended and they were ordered to enter into CW. This provided that they must perform four (4) hours of free labour, cleaning in and around the General Hospital in Port Moresby for two (2) years; the Probation was to supervise them and return quarterly reports to the Court.

Each offender successfully complied with the CW probation orders and were discharged after two (2) years. They have each gotten employment again and are living normal lives.

It should be noted that the opportunity to restitute the K 35,000.00 was investigated as well by the Probation Service, however, each offender was not in a situation to fully restitute any money. Therefore, only CW was ordered them.

### **E. Preventing Recidivism through Community-Based Treatment**

As stated above, a large majority of offenders are educated, some very highly skilled in technical or forensic areas, examples being accountants, IT systems operators, and engineers. Returning into society for such persons is difficult by any measure, with the offender having to cope with being seen as recalcitrant.

The public attitude is one of mistrust and avoidance, which may cause the offender to feel ostracized and isolated. The psychological bearing of this negativity can drive an offender to feel stigmatized and so he or she, invariably, finds solace in criminal circles; the crime cycle then is enabled, as reoffending easily follows. The same is true for an offender who is not so well educated and the danger to reoffend is even more apparent.

To give every possible chance to inhibit reoffending then, the CBC must network with the wider public, government institutions and the private sector to source potential organizations who would willingly field the offenders on supervised CW. The CW itself must be oriented to accommodate offenders, where possible, with veritable technical or professional skills or knowledge so that it will be meaningful to the community, and to the offender as being accepted as a productive member. The opportunity to find employment is also increased considerably if the offender proves to be a valuable contributor.

To underline this needed change, the Probation Act is widely empowered to venture beyond the usual CW schedules involving menial cleaning work. This was raised as a serious concern by the Court<sup>15</sup> and asked for more initiative from the Probation Service when speaking on CW orders for offenders.

#### 1. Parole Service

The Parole Service was also established in the vein of community rehabilitation<sup>16</sup> and was integrated into the CBC with the Probation Service. Offenders would have served a third of their sentences and would then be deemed 'minimum' security before being considered for release on parole. This form of release serves the greater purpose of assisting in the integration of the offender back into the community and society at large. It is more heavily supervised than one on probation, the rehabilitation process is more concentrated for the offender to give him/her every chance of succeeding to restart his/her life out of prison.

#### 2. Juvenile Justice and Supervision

A third service provided by the CBC is the supervision of the juveniles in the Juvenile Courts<sup>17</sup> and their rehabilitation. This was fully enabled in 2003 when the National Government proclaimed the Juvenile Courts Act in its entirety, observing that the primary concern is that juveniles are protected from the in-

<sup>15</sup> Mogish, J, 14 October 2015, Waigani, Papua New Guinea.

<sup>16</sup> *Parole Act* of 1991; Papua New Guinea.

<sup>17</sup> *Juvenile Courts Act* 1991; Papua New Guinea.

fluences of prison.

Miles, J observed: "...*The National and Supreme Courts exercise the judicial power of the people (Constitution, section 158 (1)) and have therefore a constitutional responsibility for the welfare of minors. The nation's long term interest lies in the reformation if at all possible of young offenders, and reformation is more likely to be affected by assistance and supervision in the community rather than by incarceration in a prison, even though such assistance and supervision may be scarce.*"<sup>18</sup>

Volunteer Juvenile Court Officers were recruited to assist and liaisons made between the CBC, police, Salvation Army, City Mission (NGO) and the Courts to drive rehabilitation programmes.

i. *Case Study: The State v. XZ (Juvenile)*

Again, the name of the offender is changed to protect his identity.

The offender, then aged sixteen (16), was part of an attempted robbery in 2004; of the five (5) suspects, he was the only one apprehended. He was defended by the Public Solicitor and pleaded guilty to the offence; due to his age, a PSR was asked for. At the time, he was in the custody of the Salvation Army Juvenile Detention Centre.

The PSR revealed that he had been training as a mechanic in a vocational school, and that he wanted to return to it, while being placed in custody of his parents. The Court accepted that this was an ideal situation to rehabilitate a young offender other than imprisonment, and sentenced him to a probationary term of three (3) years to be supervised by the Probation Service. The quarterly reports to the Court progressed with the offender completing his vocational training, getting a qualification and then securing a job with an Auto Parts Dealer and Workshop.

However, since the inception of the Juvenile Courts Act, the Courts' attitude toward youthful offenders has shifted somewhat.<sup>19</sup> As described above, it is this very class of the population that is the largest and most active in the society. It is true then that they would represent the more frequent demographic of offenders; therefore, the Courts of late have not been too keenly accommodating of the plea for leniency for being a youth. Further, a change in budgetary allocation has seen juvenile projects cut and a shortage of officers and resources to amply support the juvenile courts' programme.

The compelling story here is that the Courts must continue to strike a balance to deter re-offending, as the reformation of young offenders would be best achieved through community-based correction, by probation, as opposed to the corrupt influences of the jail.<sup>20</sup>

**F. Measures to Enhance Public Awareness & Obtain Public Support for Community-Based Treatment**

Smart use of the media, like television and radio, with aggressive advertisement campaigns may be planned to spread awareness about this issue. Social media is also a very effective tool, and if anything, is much faster and direct to the general public. As much as gender issues and domestic violence issues are important, this is an equally important issue that ought to be given attention.

In PNG, there is a healthy base for promoting awareness on important issues, where rallies and marches are held, and special days are observed. The agencies, led by the Probation Services and Attorney General's Department, can lend voice through these means. As this is a community concern, the churches must be part of any such activities, where information may be disseminated through their members; after all, they are probably the 'founders' of the probation service.

<sup>18</sup> *Acting Public Prosecutor v. Clement Maki and Tom Kasen* (1981); SC 205.

<sup>19</sup> *The State v. Willie Paul Songul* (1997) N1757 (Kirriwom, J).

<sup>20</sup> *Lahey v. Sanderson* [1959] Tas SR 17 at 21.

### **III. MULTI-AGENCY COOPERATION IN COMMUNITY-BASED TREATMENT: PROBLEMS AND SOLUTIONS IN PNG**

The base cause of crime in PNG is the poor economy of the country, and the hard circumstances that come with it. Crime will continue to be prevalent as long as it remains difficult to survive in urban areas where populations are large and job opportunities are minimal.

#### **A. Methods and Solutions for Improved Multi-Agency Cooperation**

While the prisons remain overpopulated and expensive to maintain, Community-Based Corrections can no longer be viewed with half-heartedness. A genuine effort in investing into its programmes and facilities must be made by the National Government. Importantly, the church is an integral partner in the scheme of community-based treatment; their involvement ought to be more augmented to reflect its historical connection to probation. CBC must be established throughout the country, on par with the growth of the National Courts and Magistrate Courts, and staffed sufficiently.

Past liaisons and programmes must be re-established, for instance with the Salvation Army, and regular meetings with heads of partner agencies in the police, corrections, Courts and the law offices (Public Prosecutor and Public Solicitor). Better coordination can then be meted out between their relative functions, and more aggressive awareness strategies developed.

Information Technology is a most useful tool, and for PNG it is lagging in its development. Compiling of data and statistics, and CW programme studies must be improved as it is this feed to the National Government that substantiates its positive work in the country, especially since community-based corrections is more cost effective than imprisonment.

#### **B. Challenges Facing Multi-Agency Cooperation**

The main challenges are: funding, communication and conflicting priorities. These three (3) factors inhibit any material work that can be achieved effectively and are the bane of the concerned agencies' co-operative efforts.

##### 1. Funding

As with any government in the world, there are only finite funds allocated to government agencies for their core business and programmes. PNG is no different; although the national budget seems to increase each year, it is primarily because of global economic influences that, if anything, only make the cost of living higher.

Government agencies are made to justify their budgetary needs during budget presentations, and are mostly met with hard, immovable attitudes from budget committee panels that assent to very little. Thus, law and justice sector agencies are in this situation, where anything outside of their normal business activities are hardly entertained; unfortunately, considerations for community-based treatment (probation) programmes feature very little.

The result is, agencies have very little funding to pursue probation programmes or rehabilitation programmes for reoffenders.

##### 2. Communication

Agencies themselves do not effectively maintain open communication with each other. This is an obvious challenge as it seems as if each is isolated to its own part in the criminal justice system, not stopping to see the c of the offender, as he continues on to jail, if he is convicted.

##### 3. Conflicting Priorities

With poor communication, an added impediment is that agencies have priorities which almost always are not communal with their peer agencies. This situation is true when dealing with matters in Court; as far as the Courts and police are concerned, the priority is getting the cases dealt with as soon as possible to clear the number of pending cases — rehabilitation is for corrections to administer. Until Community-Based Correction becomes a shared priority, there will be some semblance of disjuncture among the agencies concerned.

### **C. Case Examination**

#### **1. Provincial Justice Centres**

There was an idea piloted by the Public Solicitors Office in 2011 by the former Public Solicitor (now National and Supreme Court Judge), Fraser Pitpit, called the 'Provincial Justice Centre (PJC)' programme. This was a plan to have all the cooperating agencies of the law and justice sector adequately housed in one building in each of the 22 provinces of PNG.

This would enable better, effective communication and performance toward improving the law and justice sector in the provinces; moreover, it would lead to an improved reporting mechanism for the law and justice sector from the national level to the provincial level, through to the district and local levels, and vice versa. Clients of respective law and justice agencies would have easy access to each of the offices, all being housed together within the same building.

The idea would have been an ideal situation where rehabilitation programmes could be run and monitored by the concerned agencies, and would conceivably extinguish the three (3) challenges posed above.

Three (3) provinces (Manus, New Ireland and East Sepik) were selected to pilot the PJC programme, as land had already been available to construct respective PJC buildings. However, the idea was again met by funding problems and political nuances, which hampered its progress and eventually the project was disavowed. This was most disappointing for all concerned as it was a visionary pathway toward providing basic services to the country, and a vehicle for other worthy projects.

### **IV. CONCLUSION**

There is proof that community-based corrections programmes work; two (2) of the many case examples are given above, and CBC is a sure measure against reoffending. The legislation, structures and agencies are in place, but more impetus from the national government is needed to realize the full potential of the CBC's principle services in probation and parole.

# **RESPONDING TO THE COMMUNITY-BASED CORRECTION SYSTEM FOR TREATMENT OF CRIMINAL OFFENDERS THROUGH MULTI-AGENCY COOPERATION**

*Benjamin C. Cutay, Jr.\**

## **I. LEGAL BASES AND OVERVIEW OF THE COMMUNITY-BASED TREATMENT OF OFFENDERS AND PREVENTION OF RECIDIVISM**

The Philippines engages in crime prevention and promotes the treatment and rehabilitation of criminal offenders. It has laws that support saving and redeeming valuable human resources and programmes and services that enhance and develop their capacities to become responsible, productive and law-abiding members of society.

The Probation Administration was created by virtue of Presidential Decree No. 968, "The Probation Law of 1976", to administer the probation system. Under Executive Order No. 292, "The Administrative Code of 1987", which was promulgated on November 23, 1989, the Probation Administration was renamed as the "Parole and Probation Administration" and given the added function of supervising prisoners who, after serving part of their sentence in jails, are released on conditions of parole.

Effective August 17, 2005, by virtue of a Memorandum of Agreement with the Dangerous Drugs Board, the Administration also performs the function of investigating and supervising first-time minor drug offenders pursuant to Republic Act No. 9165.

The PPA in its vision statement declares that it is a model component of the Philippine Correctional System that shall enhance the quality of life of its clients through multi-disciplinary programmes and resources, an efficient organization, and a highly professional and committed workforce in order to promote social justice and development. Its mission is to rehabilitate probationers, parolees and pardonees and promote their development as persons by utilizing innovative interventions and techniques which respect the dignity of man and recognize his divine destiny.

The 1987 Philippine Constitution provides that "the State promotes a just and dynamic social order that will ensure the prosperity and independence of the nation and free from poverty through policies that provide adequate services, promote employment, rising standard of living, and an improved quality of life for all."

It is evident that the Philippines is a people-centered country, whose ultimate goal is the welfare of its citizenry. It is a member country of the United Nations and signatory to many international treaties and covenants that respect human rights and promote total human development.

In its continuing endeavours, it seeks to address poverty, crime, corruption, violence and terrorism and many societal issues that obstruct development of human beings. It has introduced numerous development programmes and basic services to address basic needs such as food, clothing, shelter, education and even vocational skills that would generate employment to improve income of individuals and families and, contribute to the country's gross national product (GDP), as well.

In the 1970s, President Ferdinand E. Marcos introduced the concept of "Bagong Lipunan" or the "New Society" where socio-economic development programmes were extended to the people to eradicate poverty and diminish unemployment and social unrest in the country.

During the time of President Fidel V. Ramos from 1992-1998, the Social Reform Agenda (SRA) was im-

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plemented through the Comprehensive and Integrated Delivery of Social Services (CIDSS) Project, for the purpose of addressing the minimum basic needs that consist of survival, security and enabling needs. Its ultimate goal was to reduce poverty incidence and attain an improved quality of life (IQL) among the project beneficiaries. It prioritized poor provinces and municipalities and targeted the poorest of the poor families to address their survival, security, health and enabling needs. The Department of Social Welfare and Development (DSWD) was the lead agency, and other departments of the government served as line agencies supporting the implementation of the whole project. It was finally institutionalized through Republic Act No. 8425, dated June 3, 1998.

The Parole and Probation Administration (PPA), since the inception of its community-based correction system in 1976, has developed multiple approaches to crime prevention and treatment of criminal offenders. Various community-based development interventions were made with involvement of community resources.

## **II. THE PAROLE AND PROBATION ADMINISTRATION (PPA)'S MULTI-AGENCY COOPERATION EXPERIENCE**

Over the years, the PPA has sought to give meaning to its mission statement by designing and executing viable and effective rehabilitation programmes responsive to the needs of its clients. It believes that individuals, particularly criminal offenders, will fail to achieve a great amount of personal change if the economic and social structures of the family and community are weak or unavailable. If they are unemployed and have nowhere to stay, the tendency of falling back into old habits and criminality is possible. A supporting social and economic environment that fully embraces them is needed so that they can live normal lives. Thus, the PPA aims at providing its clients access to employment by giving them skills and livelihood training programmes.

Probation and parole officers and support staff are provided with training courses to develop their professional skills and inculcate positive attitudes towards probation and parole work so that they have the ability to be directly involved in the treatment and rehabilitation of clients. The PPA fosters institutional partnership with international agencies like Daytop International in the United States, the Japanese International Cooperation Agency (JICA) and the United Nations Asia and the Far East Institute (UNAFEI) to provide training courses for its probation and parole officers on Therapeutic Community (TC) Modality and approaches and strategies to crime prevention and treatment of criminal offenders, respectively, with the maximum involvement and participation of communities.

The PPA forges and maintains networking and convergence with local community resources involved in the delivery of social services. To mention a few: Local Government Units (LGUs), the Department of Social Welfare and Development (DSWD), the Department of Education (DepEd), the Department of Health (DOH), the Department of Environment and Natural Resources (DENR), the Technical Education and Skills Development Authority (TESDA) and some educational institutions. The PPA involves local people as volunteer probation aides (VPAs), to serve as community partners of probation and parole officers in the supervision and rehabilitation of its clients, and develops job referral systems among public and private employment agencies and individuals to address joblessness among clients and prevent recidivism.

## **III. METHODS OF MULTI-AGENCY COOPERATION**

The PPA adheres to the principle of interdependence through institutional convergence to expedite delivery of services needed by its clients. It believes that for the basic human organization to survive it has to connect with other social systems in the community and work with them collectively and mutually help each other. For several years, the world has gone into globalization and undertaken measures to promote unity and cooperation among nations to respond to global issues and concerns such as poverty, terrorism, crimes, gender inequality, and climate change, among others. The PPA works in the local and national community by involving agencies and community resources to treat offenders by improving their lives.

Below is a profile of multi-agency cooperation as an approach to community-based treatment of offenders used by the PPA:

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AGENCIES/INSTITUTIONS	PROGRAMMES AND SERVICES
Department of Social Welfare and Development	Foodstuff, skills training, livelihood and cash assistance, family planning, population control methods,
Department of Education	Alternative learning system, scholarship grants
Department of Health	Medical, dental and clinical services, training on aftercare services
Department of Environment and Natural Resources	Seedlings, trainings and seminars on conservation of natural resources
Department of Trade and Industry	Skills training, entrepreneurial seminars
Department of Labor and Employment	Training kits, job placement
Department of Agriculture	Trainings and seminars on farming & construction of training facilities, planting materials
Department of Interior and Local Government	Seminars and trainings on fire prevention, and other crime, man-made disaster initiatives
Local Government Units (barangay, municipal, city and provincial levels)	Lot for the convergence/skills training center, funding assistance, foodstuff, support/office personnel, seedlings, fuel, honoraria for probation officers, office supplies, office equipment, seminars on Gender and Development (GAD) matters,
Technical Education and Skills Development Authority	Skills and livelihood trainings & scholarship grants
Dangerous Drugs Board	Drug-test kits, seminars on aftercare services, etc.
Religious Groups	Spiritual formation, training venue and seminars, counselling services and faith-based sessions.

#### **IV. PROBLEMS ENCOUNTERED AND MEASURES ADOPTED IN MULTI-AGENCY COOPERATION**

The PPA's experience in multi-agency cooperation provides learning opportunities for probation workers and other community resources. It strengthens the concept of interdependence among community resources/agency for collective efforts in addressing the needs of offenders. In the multi-agency cooperation approach, each community resource or agency is part of the whole system and has a great and significant role to make or unmake the development goals and processes.

A piecemeal approach by service agencies blocks holistic and integrated development. Some service agencies or community resources have limited knowledge of cooperative development approaches in treating criminal offenders. Thus, what happened was that they worked based on their available resources and focused on their assigned clients. They failed to consider other development systems in the community where they could access and share resources for maximum development of clients. Lack of initiative of some community resources to promote crime prevention and treatment of offenders is another one. As a consequence, building initiatives for collective action towards reforming criminal offenders are underestimated and, at the very least, the resources are underused for the purposes they were allocated.

Through its probation workers the PPA established an effective collaboration with government service agencies/community resources through a development interface or convergence of various services. It ensures that clients are able to get the services and programmes they need from other agencies. Probation officers participate in the budget planning session to receive funding from their respective local government units and involve themselves in most important and major initiated activities of the government service agencies/community resources to maintain effective networking and alliances.

## V. CHALLENGES FACING MULTI-AGENCY COOPERATION

There is a need to shift from an individualistic approach to multi-agency cooperation through institutional convergence among community resources and service agencies. The principle of interdependence through collective action should be upheld and given paramount consideration. Correction or probation workers who belong to the profession of transforming and developing the capacities of offenders should be reoriented on development concepts and approaches, e.g., multi-agency cooperation, to enable them to become more effective implementers of the community-based corrections system.

The PPA, as a lead agency in the prevention of crime and treatment of offenders, should strongly develop and exercise teamwork not only among its workers in the probation system but, with and among community resources. The multi-agency approach is viable only if all agencies act as team players and believe that community resources are potent agents to reform and develop human beings, particularly criminal offenders.

The initiative of building and maintaining a consistent and well-organized institutional partnership among agencies and entities in the government and individuals in the community requires great determination and serious commitment. A probation officer or any correction worker should have enough knowledge about the mandate of each agency to unite people and agencies, and should know how to use its resources for the benefit of offenders. Social interactions through planning, focus-group discussions, and proper implementation of the project should be effectively carried out. Periodic monitoring and evaluation of programmes and projects should be conducted, to ensure that what has been planned out is well executed.

Initially, more capacity-building activities should be conducted to strengthen the capacities of correction/probation workers and service agencies or community resources and promote a well-organized partnership and alliances among those directly involved in the delivery of basic services to achieve an effective community-based corrections system.

## VI. REFERENCES

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2. Parole and Probation Administration. (2009). *Info-kit*, Manila: PPA.
3. Presidential Decree No. 968, as amended.
4. Republic Act No.8425 an Act institutionalizing the social reform and poverty alleviation program, creating for the purpose the national anti-poverty commission, defining its powers and functions, and for other purposes
5. The Administrative Code of 1987
6. The 1987 Philippine Constitution
7. [www.probation.gov.ph](http://www.probation.gov.ph)

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## REPORTS OF THE SEMINAR

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### **GROUP 1**

### **EFFECTIVE MULTI-AGENCY COOPERATION IN TERMS OF IMPLEMENTATION OF NON-CUSTODIAL MEASURES AT EACH STAGE OF THE CRIMINAL JUSTICE PROCESS**

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<b>Chairperson</b>	Mr. Allah Dad ROSHAN	(Pakistan)
<b>Co-Chairperson</b>	Ms. Hosne Ara AKTER	(Bangladesh)
<b>Co-Chairperson</b>	Mr. Takeshi JIMI	(Japan)
<b>Rapporteur</b>	Mr. MIN Kyaw Thu	(Myanmar)
<b>Co-Rapporteur</b>	Mr. Yuichiro WAKIMOTO	(Japan)
<b>Members</b>	Mr. Thachvud PUTTISOMBAT	(Thailand)
	Mr. Joseph Kala MUASYA	(Kenya)
<b>Visiting Expert</b>	Ms. Beverly Diane WILLIAMS	(USA)
<b>Adviser</b>	Prof. Ayuko WATANABE	(UNAFEI)

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## **I. INTRODUCTION**

Group 1 started its discussion on 22nd January 2016. The Group unanimously elected Mr. Allah Dad ROSHAN as its Chairperson, Ms. Hosne Ara AKTER and Mr. Takeshi JIMI as its Co-Chairpersons, Mr. MIN Kyaw Thu as its Rapporteur and Mr. Yuichiro WAKIMOTO as its Co-Rapporteur. The Group had ten sessions, discussing the issue of multi-agency cooperation under the topic, “Effective Multi-Agency Cooperation in Terms of Implementation of Non-Custodial Measures at Each Stage of the Criminal Justice Process.”

## **II. SUMMARY OF THE DISCUSSION**

### **A. Justifications**

Why is multi-agency cooperation necessary in criminal justice? Why should the Group discuss it? Firstly, we need it to reduce recidivism. Secondly, it is necessary to facilitate offenders’ smooth transition, as well as reintegration, into the community. Thirdly, multi-agency cooperation promotes alternatives to custodial measures, which are considered cost-effective and humane. And lastly, the community is safely protected through multi-agency cooperation. In light of the multi-faceted needs and challenges of offenders, the importance of engaging relevant agencies in the community cannot be over-exaggerated; no one agency can single-handedly deal with crime prevention and treatment of offenders. For these reasons, the Group discussed multi-agency cooperation.

### **B. Method of Discussions**

Multi-agency cooperation can take place in every stage of the criminal justice process. Therefore, the Group discussed the issue taking three stages into consideration, namely, pre-trial, trial and post-trial stages. And, for the purpose of in-depth analysis of multi-agency cooperation, the Group divided the topic into sub-topics in the following manner; 1) types of offenders who benefit from multi-agency cooperation, 2) ideal structure of multi-agency cooperation, 3) information analysis of offenders and information sharing, 4) problems of legislation, and 5) evaluation of treatment provided through multi-agency cooperation.

### **C. Contents of Discussions**

#### **1. Types of Offenders Who Benefit from Multi-Agency Cooperation**

To begin with, the Group discussed what should be the targeted population for multi-agency cooperation. This led to the following questions: what types of offenders are most appropriate for multi-agency cooperation; what types of offences are most appropriate; and how can we identify them?

As to targeted population, some members argued that we should exclude such offences as corruption, treason, terrorism and other forms of offences that are deemed unsuitable due to their anti-social nature; others contended that even those offences can be included in the multi-agency cooperation scheme if the offenders’ characteristics are appropriate for it. In this regard, the Group agreed that the focus should be

on the offender rather than the offence.

In the following discussion, the Group unanimously pointed out that underprivileged and/or vulnerable offenders such as handicapped offenders, juvenile offenders, elderly offenders, and offenders suffering from serious chronic illness should be considered for multi-agency cooperation schemes given their needs and challenges; their needs and challenges are better addressed when relevant community agencies' interventions are available. In addition, the members stated that lower-risk and first-time offenders are more appropriate than high-risk and habitual offenders; the former is fit for diversion whereas the latter needs formal criminal justice proceedings.

To identify such offenders/offences, the Group stressed the importance of assessment, which should be conducted in consideration of the offenders' personal characteristics (i.e., age, behaviour, health conditions, employment, educational background, economic status, prior criminal record, etc.) as well as social environment (i.e., housing/accommodation, family background, neighbourhood environment, etc.).

It should be noted that "housing (accommodation)" may lead to different decision-making according to the stages of criminal justice. Offenders who have no place to go after their release from prison are candidates for multi-agency cooperation; halfway houses or other forms of housing arrangements should be considered to facilitate their smooth re-entry into the community. Homeless offenders in the pre-trial stage, on the other hand, are more likely to be detained due to their high risk of absconding.

Drug addicts are another example where some members stated different opinions. Some insisted that drug addicts in the pre-trial stage should be taken out of the formal criminal justice process to be placed under medical treatment. Meanwhile, other members maintained that drug addicts in the pre-trial stage should be formally prosecuted because of their high recidivism rate. The difference of opinions resulted from views on "drug addiction" in each jurisdiction; drug addicts are considered either "patients in need of medical interventions" or "criminals who repeatedly commit drug offences" depending upon the jurisdictions and criminal justice practices.

## 2. Ideal Structure of Multi-Agency Cooperation

What is an ideal structure of multi-agency cooperation? To effectively explore the issue, the Group examined 1) related agencies and 2) possible dispositions regarding diversion, and 3) problems and challenges of the existing structures.

In each stage of the criminal justice process, particular agencies are responsible for diversion of offenders in cooperation with community resources. For example, in the pre-trial stage, the investigative agencies (the police and prosecutors' offices) mainly deal with diversion of offenders; probation offices, the judiciary, defence lawyers, and other community resources are involved depending on the nature of the cases.

At trial stage, it is the courtroom workgroup, i.e., the judiciary, public prosecutors and defence counsel, that are responsible for diversion, with probation offices and detention centres being partners. At the post-trial stage, probation offices, parole boards and prisons are involved in releasing offenders into the community.

The Group agreed that, to implement release, diversion or reintegration of offenders to the community, criminal justice agencies need cooperation from non-criminal-justice agencies such as hospitals, welfare facilities, NGOs and public offices, regardless of the stages.

Some members expressed concerns, stating that private entities and the community are reluctant to be involved in offender treatment because of potential risk. Others, however, felt this hurdle can be remedied through active use of incentives such as subsidies, tax reduction, rewards, prizes, and honours, quoting an example regarding successful utilization of Japan's volunteer probation officer system.

Possible dispositions (i.e., non-custodial measures) in each stage are as follows: in the pre-trial stage, discharge, bond/cash bail and suspension of prosecution; in the trial stage, acquittal, fine, suspended sentence and suspended execution of sentence; and in the post-trial stage, parole, remission and pardon.

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The Group, however, found that non-custodial measures available are different according to the jurisdictions due to differences in legal framework. One typical example is Japanese public prosecutors' discretionary suspension of prosecution; they, at their discretion, can suspend prosecution even when enough evidence to establish guilt is available. Another example is restorative justice and ADR (Alternative Dispute Resolution) utilized in some members' states; in these measures diversion is informally implemented heavily depending upon community resources.

The Group agreed that, for the ideal implementation of multi-agency cooperation, stakeholders and relevant agencies need inter-linkages, consultation, and information-sharing; MoUs should be signed where necessary.

The Group further discussed that multi-agency cooperation does not work when there is a lack of trust, legislation, coordination, institutional confidentiality or when bureaucratic barriers and negative responses from the community are in place.

The Group concluded that an ideal structure can be put into practice when dispositions available in each stage match the community resources available with coordination, inter-linkage and information sharing among such agencies.

### 3. Information Analysis of Offenders and Information Sharing

Subsequent to the previous discussion, the Group moved on to discuss "information analysis of offenders and information sharing". First of all, agencies need offenders' information to effectively carry out interventions. The Group, however, could not draw a clear line on information sharing because of different judicial, cultural and historical backgrounds. Yet the Group agreed that necessary information is the same as what has been discussed regarding assessment, i.e., prior criminal records; medical records; economic, employment, housing status; educational background; family and neighbourhood environment; situations of victims; and so on.

Through discussions, the Group found that there are challenges regarding information sharing; the agencies cannot disclose information to protect offenders' privacy as well as victims'. In addition, information sharing is difficult if agencies' confidentiality policy is present. This issue is further complicated if the nature of information is sensitive (e.g., criminal records) especially when the private sector is included in the scheme. Moreover, not all offenders are willing to disclose their personal information.

In this regard, some members contended that the agencies should obtain offenders' consent in advance before sharing their information with relevant organizations.

### 4. Problems of Legislation

The Group found that no jurisdictions have legislation that specifically and exclusively deals with multi-agency cooperation although all the jurisdictions have such fundamental acts as the Penal Code, the Criminal Procedure Code, the Prison Act and the Probation Act. In other words, legislation regarding linkage as well as coordination among stakeholders and relevant agencies does not exist.

For this reason, some members stated that, to fill the gap among existing acts, MoUs (Bilateral, Multi-lateral) and/or agreements among agencies should be signed. Others contended that a law exclusively intended for multi-agency cooperation should be enacted. Some others, however, showed concerns; they pointed out that despite such measures, political interference, corruption, insufficient budgetary allocation and bureaucratic barriers may disrupt smooth coordination/inter-linkage among agencies.

### 5. Evaluation of Treatment Provided through Multi-Agency Cooperation

The Group agreed that evaluation is necessary to understand how effective/ineffective multi-agency cooperation is. Therefore, the Group discussed 1) indicators of success, 2) evaluating bodies, and 3) timing of evaluation.

The Group identified the indicators of success as follows: lowered recidivism rate, reduction in prison overcrowding through the frequent use of non-custodial measures and multi-agency cooperation, expanded sentencing options (non-custodial measures) resulting from multi-agency cooperation, and positive feedback

from the community.

The evaluating bodies should be concerned agencies such as the judiciary, probation offices, public prosecution offices, prisons, and the police. Some members stated that an independent body's monitoring is useful for the purpose of unbiased research and analysis. The Group pointed out that the result of the evaluation should be open to the public whenever possible to invite feedback by means of mass media, public forum, seminar, social media and so on. Evaluations should be conducted on an annual basis in consideration of the calendar/fiscal year.

### III. CONCLUSION AND RECOMMENDATIONS

The Group discussed multi-agency cooperation to reduce recidivism, to facilitate offenders' smooth reintegration into the community, to promote non-custodial measures, and to establish a safer environment. The discussions centred on types of offenders/offences, structure of cooperation, information sharing, legislation and evaluation.

With those in mind, the discussions covered three stages of criminal justice proceedings, i.e., pre-trial, trial and post-trial stages. As it turned out, however, the Group could not find any significant differences among stages although the post-trial stage is slightly different from the other two stages because prisons, probation services and NGOs are more involved than in the earlier stages.

Based upon the preceding discussions, the Group came up with recommendations as follows:

For all the parties concerned

- Collective effort on cooperation among different agencies should be encouraged.
- System of information sharing should be established; the issue of privacy and confidentiality, however, should be addressed especially when agencies of the private sector are included.
- Legislation, agreements and MoUs should be considered to facilitate coordination among agencies.

Mainly for CJ agencies

- More options of non-custodial measures should be introduced through such technology-based interventions as electronic monitoring, drug testing devices and others.
- A national database of offenders should be established for the CJ agencies' easy access to information.
- Maintaining good practices and benchmarking based upon the results of evaluations is encouraged.
- Training and research are necessary.

Mainly for the private sector

- Employment and housing for ex-offenders should be more available and accessible.
- Incentives (e.g., subsidies, tax reduction, rewards, prizes and honours) should be provided to motivate agencies of the private sector; sufficient budget allocation is necessary as well.

For the general public

- Public awareness should be raised.

The Group, in conclusion, unanimously agreed that the goal of criminal justice is achieved if the gap

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among agencies is bridged, seamless interventions are made, and non-custodial measures are more effectively utilized through multi-agency cooperation in the treatment of offenders. Although the Group was unable to cover every aspect of multi-agency cooperation due to the participants' different experiences and backgrounds, the Group did discover possible systems and ways forward for the betterment of society.

## GROUP 2

### EFFECTIVE MODELS FOR MULTI-AGENCY COOPERATION IN COMMUNITY BASED-TREATMENT OF OFFENDERS

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<b>Chairperson:</b>	Mr. Zachary SITBAN	(Papua New Guinea)
<b>Co-Chairperson:</b>	Mr. MIZUKAMI Taihei	(Japan)
<b>Rapporteur:</b>	Ms. Grace Achieng OJUNGA	(Kenya)
<b>Co-Rapporteur:</b>	Mr. Nilton Joaquim de OLIVEIRA JUNIOR	(Brazil)
<b>Members:</b>	Ms. Sumalee MADAM	(Thailand)
	Mr. NAKAMURA Hideo	(Japan)
	Mr. Seraphin Ramazani NYEMBO	(D.R. Congo)
<b>Adviser:</b>	Professor AKASHI Fumiko	(Japan)

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## I. INTRODUCTION

On the 22nd day of January 2016, group two commenced its workshop. The group elected by consensus, Mr. Zachary SITBAN as the Chairperson, Mr. MIZUKAMI Taihei as its Co-Chairperson, Ms. Grace Achieng OJUNGA as its Rapporteur, and Mr. Nilton Joaquim de OLIVEIRA JUNIOR as Co-Rapporteur. The Group was assigned to discuss the theme of: “Effective Models for Multi-Agency Cooperation in Community-Based Treatment of Offenders”.

## II. SUMMARY OF THE DISCUSSION

The group reached a consensus that the best models to adapt to multi-agency cooperation in the community-based treatment of offenders should embrace a combination of evidence-based practices and empirically proven and supported treatments. The models must focus on “the best practices” and “what works”. Evidence-based practices evolve in a continuum between practice and research. They also form a foundation of intervention programmes designed to reduce recidivism. From the presentations of participants in the 162nd International Senior Seminar on Multi-Agency Cooperation in Community-based Treatment of Offenders, there is a consensus that, no single community-based programme can significantly reduce recidivism on its own because many different factors affect it, hence the need to form a synergy and engage multi-agency cooperation in the community-based treatment of offenders.

### A. Types of Offenders Who Benefit from Multi-Agency Cooperation

#### 1. Assessment of Offenders

The model chosen for the assessment of these offenders is the Risk-Need-Responsivity Model which has three basic principles in the assessment of the offender.<sup>1</sup> The Risk Principle requires the matching of the multi-agency programme intensity with the offender’s risk of reoffending. The Need Principle requires focusing the interventions on those factors that are directly related to offender’s behaviour. These are the criminogenic risk factors that are dynamic. The Responsivity Principle requires that the service provider delivers interventions in a manner that matches the individual learning styles and needs of the offender.

For assessment of the offender, we can adopt the popularly referred to “straight eight” model used to identify the criminogenic risk factors and gather offender information including:

- Criminal Record;
- Antisocial personality;
- Antisocial attitudes, beliefs and values;

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<sup>1</sup> Andrews, D.A. & Bonta, J. (2006-07). *Risk-need-responsivity model for offender assessment and rehabilitation*. Retrieved from [http://www.publicsafety.gc.ca/res/cor/rep/risk\\_need\\_200706-eng.aspx](http://www.publicsafety.gc.ca/res/cor/rep/risk_need_200706-eng.aspx) 25 Jan. 2016.

- Antisocial associates;
- Dysfunctional families;
- Substance abuse;
- Poor performance in school or at work / lack of education;
- Lack of involvement in leisure activities or satisfaction in pro-social recreation.

In the assessment, all information regarding the offender's age, social background, skills, victim impact statement if any, and their place of residence after release from penal institution or on committal to a non-custodial sentence must be clearly spelled out.

## 2. Types of Offenders and Offences

The common types of offenders who should benefit from multi-agency cooperation in community-based treatment of offenders are those who do not pose risk or danger to the public. This approach follows Section 3.2 of the Tokyo Rules, which requires that "the selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality, background of the offender, the purposes of sentencing and the rights of victims". There is, however, an emerging trend where reformed serious offenders, drug offenders and sexual offenders are being given a second chance in community re-entry, like in the case of Multi-Agency Public Protection Arrangements in the United Kingdom. The group therefore recommends that the model of individualization of sentences should be encouraged.

- a) Petty offenders charged with misdemeanours should be considered for multi-agency cooperation in community-based treatment of offenders;
- b) Youthful offenders;
- c) Elderly offenders;
- d) Vulnerable Women;
- e) The physically challenged;
- f) The mentally handicapped;
- g) The current emerging trends are that offenders previously incarcerated for serious sexual and drug offences are given a second chance for re-entry in the community.

## **B. Ideal Structure of Multi-agency Cooperation**

There are a variety of non-governmental organizations such as non-profit organizations, private companies, self-help groups and volunteers, and they have different objectives, roles and responsibilities. In addition, multi-agency cooperation exists where there is complementary and overlapping provision of services to the offender by both the government and the non-governmental organizations. Thus, it is important to distinguish between multi-agency cooperation and services that are commercially outsourced by government from the onset, and to distinguish between a variety of agencies and individuals according to the level of other agencies.<sup>2</sup>

### 1. Types of Agencies

- a) Cooperative employers (Japan) where an arrangement for employment is made for offenders before their release;

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<sup>2</sup>Robert Canton 2016, *Observation by professor in Criminal Justice*, De Montfort University Leicester, UK in the 162nd Senior Seminar on Multi-agency Cooperation in Treatment of Non-Custodial Offenders.

- b) Special adjustment needs / social welfare agencies for social support to the elderly;
- c) Halfway houses / homeless;
- d) Labour organizations for skills / vocational training;
- e) Hospitals for the mentally ill;
- f) Special schools for difficult children;
- g) Alcoholic self-help groups, e.g., "AA";
- h) Community Settlement Support Centres;
- i) Community Justice Centres;
- j) Local government.

## 2. Challenges of Multi-Agency Cooperation

- a) There is generally no clear definition distinguishing between multi-agency and inter-agency cooperation, which are occasionally assumed to be one and the same thing;
- b) The group reached a consensus that there is generally a lack of information and communication among service providers on the exact services offered by individual organizations;
- c) Lack of proper coordination and cooperation among organizations is a major challenge; hence it is not clear as to who provides specific services. Many agencies fail to provide services in an accessible manner and leave out potential clients. Lack of proper coordination can also cause duplication of services because agencies do not know what services others provide;
- d) There is poor communication among agencies. Information sharing through multi-agency cooperation is complicated. There are times when we have to preserve specific information due to individual fundamental rights. Occasionally this causes a gap between who should be responsible for an offender's health and other information not provided;
- e) The group observed that generally there is a lack of expert knowledge to solve complex problems among the service providers within multi-agency cooperation. Sometimes people do not know where to get expert advice. Sometimes other agencies also feel that the other is not practicing as it should;
- f) Some organizations emphasize profit over provision of service. In these types of organizations, resources are diverted for purposes other than assisting offenders as expected;
- g) In some countries, there is unwarranted competition among agencies. Sometimes they experience sectionalism. As an example, penal institutions in Japan have experienced an increase of elderly and mentally handicapped offenders. In a way, these institutions are required to operate similar to nursing homes. Some penal institutions' staff members think that it is strange that they should treat elderly or handicapped offenders in penal institutions instead of providing welfare facilities;
- h) In practice there are different organizational cultures, where each agency has different objectives and key performance indicators about multi-agency cooperation. Differences between two or more organizations hinder service delivery;
- i) Bureaucracy causes difficulty in accessing the management of certain organizations to obtain service;
- j) In most countries there are very few organizations that can provide services to offenders within the

community compared to people who require help;

- k) In some developing countries there is a lack of political goodwill to encourage multi-agency cooperation in treatment of non-custodial offenders since priorities are set elsewhere.

### 3. Solutions to Multi-Agency Cooperation

- a) Multi-agency and inter-agency cooperation should be seen as forming interplay between the two since they provide complementary and overlapping services. The focus should remain on reintegration and provision of services to parolees and non-custodial or ex-offenders. According to professor Robert Canton (2016), “rather than seeing just two options of (multi- or inter-agency), it has been suggested that these are better seen as ends of a continuum and that there are other models that sit somewhere in between”<sup>3</sup>.
- b) A communication model should be formed in all jurisdictions to resolve complicated communication problems. A definite format of what kind of information should be shared between each agency and what cannot be shared due to legal issues must be designed. All agencies must recognize that they have a role to play in relation to each other in so far as reintegrating offenders within the community is concerned. Communication must therefore be streamlined. The communication may be one-way or two-way and involve full or partial disclosure of information for the benefit of the offender;
- c) A coordinated management information system of data should be developed to avoid duplication of services. Each section of related agencies should share the database;
- d) A cooperation model should be formed in all jurisdictions where agencies continue to maintain separate boundaries and identities, but agree to work on a mutually defined problems. This may involve joint action, or it may involve an agency consenting to another taking the initiative to act;
- e) A coordination model should be formed in all jurisdictions where agencies must work together in a systematic way. Coordinated training should be done such that there can be a positive response among competing agencies. Agencies can maintain their defined boundaries but may pool resources to tackle mutually agreed problems;
- f) To resolve problems of sectionalism among agencies, a federation model should be formed. In this model, agencies continue to retain their organizational distinctiveness but also share some central focus. Solutions such as personnel rotation between correctional bureaus and rehabilitation sections should be encouraged to widen officers’ concepts and visions of offender rehabilitation. If necessary, agency site visits should be made to understand the circumstances in which each organization is operating. Site visits can also be made for face-to-face networking. The agencies should finally realize that they actually operate integrated services;
- g) Consultative models should be established, where representatives of relevant agencies converge and discuss matters such as multi-agency cooperation. Relevant agencies may hold conferences for reviewing an offender’s treatment before or after release. Organizations should also be able to refer cases to other organizations according to their specialty;
- h) Organizations must employ people with expert knowledge to undertake specific services. Emphasis should be placed on a series of staff training of correctional and probation officers. Continuous on-the-job training, pre-promotion training and testing of officers to enhance knowledge and skills must be undertaken. Organizations should also embrace models of both “learning organizations” and “organization learning” to keep abreast of information on treatment of offenders;
- i) Encourage creation of more Non-Governmental Organizations for a wider coverage of service provision for offenders. Proper registration of these agencies should be done within the framework

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<sup>3</sup>Ibid.

and the purpose of registration;

- j) For the purpose of smooth reintegration of offenders into society we should put emphasis on providing educational programmes to offenders, as well as opportunities to work in prison;
- k) National Professional Standards should be adopted to include international standards and norms such as the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules;
- l) The merger model should be developed among agencies. In this model agencies become indistinguishable from one another in working on a mutually defined problem, and they form a collective resource pool (Liddle and Gelsthorpe 1994)<sup>4</sup>. For example, this may occur where there are two or more types of support for offenders: the rehabilitation money for offenders discharged from prison and amount of support money provided temporarily. Some offenders keep receiving rehabilitation money even after they are stable. There should be a merger for one organization to provide rehabilitation money to avoid a situation where those who have been successfully rehabilitated continue receiving funds.

#### 4. Legislation

The current legislation situation is different from country to country. Some countries have legislation establishing legal frameworks for partnerships between government and civil society organizations in a mutually supportive way. Other countries do not have specific legislation governing NGOs.

#### 5. Current Situation

##### a. Japan:

Legislation on NGOs and individuals in the private sector dealing with offenders is embedded in the Offenders Rehabilitation Act No 88 of June 15, 2007. Article 2(1), (2), (3) and 30 empowers the Japanese government to promote activities which contribute to the rehabilitation of offenders to be carried out by organizations or individuals in the private sector. The government shall coordinate and cooperate with such persons and shall endeavour to deepen the understanding of the general public and attain their cooperation for the rehabilitation.

Local governments may, considering that the activities set forth in the preceding paragraph contribute to improving the safety of the local community and the welfare of residents, provide necessary cooperation for such activities. The citizens shall endeavour to contribute, according to their position and capability, in order to achieve the purpose of rehabilitation.

The director of a probation office may request public agencies, schools, hospitals, organizations relating to public health and welfare, and other persons to provide necessary assistance and cooperation for the purpose of performing the affairs under its jurisdiction.

##### b. Brazil:

The Brazilian Law N° 13.019/2014 establishes the legal framework for partnerships between government and civil society organizations in a mutually supportive basis for the attainment of public and mutual interest. For these NGOs to rehabilitate or assist in re-entry employment of offenders, they need to participate in a selection process through public hearings. They must have, at least, three years of existence before they can enter into partnerships with the government, and must demonstrate previous experience in the area where they intend to act.

##### c. Kenya:

In Kenya, there is the NGOs Coordination Act no 19/1990, which allows for the facilitation and coordination of all national and international Non-Governmental Organizations operating in Kenya. This includes NGOs dealing with rehabilitation and re-entry programmes for offenders. There is an NGOs Board which advises the Government on the activities of the Non-Governmental Organiza-

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<sup>4</sup>Liddle or Gelsthorpe – “Inter-Agency Crime Prevention: Organizing local delivery, Home Office Crime Prevention Unit Paper 52. London: Home Office.

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tions and their role in development within Kenya. They also provide policy guidelines to the Non-Governmental Organizations for harmonizing their activities to the national development plan for Kenya.

d. Thailand:

In Thailand there is no specific legislation governing the registration of non-governmental organizations. The NGOs working with juvenile offenders and vulnerable women must register their activities with the relevant ministries.

e. Democratic Republic of Congo:

In Congo, there are not special laws which establish the terms and functioning of NGOs; each NGO works and cooperates according to the field of each government department, e.g., education, health, agriculture.

f. Papua New Guinea

In Papua New Guinea the legislation regulating NGOs, FBOs and CBOs is embedded in various acts of parliament, e.g., the Probation Act 1979, the Parole Act 1979, the Juvenile Court Act 1991 and the Correctional Services Act 1995. They work under the Investment Promotion Authority Act.

6. Ideal Legislation on Multi-Agency Cooperation

- a) There should be monitoring and controls instituted by the government on how resources are spent on offenders;
- b) There must be information sharing between agencies
- c) Financial auditing/financial reports must be provided by NGOs to the government. They should also give monthly progress reports and feedback.
- d) Each ministry directly related to the services being provided by an NGO should take direct control.

The management of NGOs usually attracts controversy due to autonomy, so we should develop mutual relationships with organizations since it is not easy to fully control the activities of private entities. It is important to acknowledge that NGOs have different priorities. It is not easy to obligate an independent NGOs unless they are willing. The relationship should be mutual not obligatory. We should therefore endeavour to establish a scheme of notification through a circular of institutional cooperation, after which we should abide by cooperation.

Sharing information is a very big issue. We have to give information and at the same time preserve information. There is a contradiction with the individual's rights and feelings. For example, in Japan, when a probation office asks for other agency's cooperation, the probation office seeks the offender's consent. However, in the case of an emergency or the necessity to protect the public from a heinous crime, it might not be necessary to obtain an offender's consent for multi-agency cooperation.

7. Evaluation of Treatment Provided through Multi-Agency Cooperation:

a) What is successful cooperation?

Successful cooperation means constant communication and information sharing properly done among relevant agencies. Successful cooperation is also action between civil society and governmental agencies together with the general public. When offenders are incarcerated we must think of offenders' needs. Satisfaction of criminogenic needs is very critical, such as employment, housing and medical care. It is important for agencies to liaise with one another for placement of offenders.

b) How can multi-agency cooperation be evaluated?

The recidivism rate is essential in the assessment of rehabilitation success and is one of the important measures to evaluate the success of multi-agency cooperation. On the other hand, the recidivism rate is based on a variety of factors, such as economic, social situation, family support and individual issues. Thus, other measures are also effective to evaluate the success of multi-agency cooperation. If offenders are not employed, their recidivism rate is higher; if they are not housed, re-

cidivism is also high. Hence, one of the measures of evaluation can be the counting of the number of offenders who find accommodation on re-entry into a community as a result of cooperation and coordination. The numbers of offenders who can start working and continue to work is also another measure. Another standard of benchmarking is the retention of the same job and the same employer for a lengthy period of time.

c) Who should be responsible for offender rehabilitation?

Responsibility for offender rehabilitation is for offenders themselves and every related agency. This cannot be left to only the actors in the criminal justice system. Everyone in society has the responsibility, but the last intervener on the offender has the responsibility for the offender's proper transition to further rehabilitation. Thus, it is crucial to employ the "through care" model to refer offenders to other appropriate agencies or individuals.

### III. CONCLUSION AND RECOMMENDATIONS

Crime remains a perennial problem. Hence, to achieve effective rehabilitation of offenders, it is inevitable that we must adopt multi-agency cooperation in community-based treatment of offenders. In order to establish effective multi-agency cooperation, the following four pillars are important.

1. Mutual Understanding

It is important to understand which agencies and individuals we can cooperate with for offender rehabilitation. We must understand their role, mission and responsibility for mutual understanding and for effective cooperation. For example, periodic meetings, conferences, personnel exchanges and staff training, including on-the-job training, among agencies are effective to enhance mutual understanding among organizations. What is most important is 'face-to-face' relationships. Thus, site visits are critical to get to know each other.

2. Information Sharing

Information sharing is the main point of multi-agency cooperation. A common data management information system of offenders should be established as an ideal plan among criminal justice agencies. Before release of offenders, case conferences between agencies dealing with the offenders must take place to address the needs of the offenders. Use of the 'through care' model at this stage is important.

3. Legislation

Development of legislation that promotes rehabilitation of offenders within the community should be encouraged. It is also important to establish a structure for multi-agency cooperation. For example, some countries make use of memoranda of understanding (MOU) or circular notifications among agencies to put multi-agency cooperation into practice.

4. Budget

For effective practice of multi-agency cooperation, we need enough monetary resources. For example, recurrent funding for holding conferences, training, establishing a data management system and recruitment of expert staff must be secured. Organizations handling offenders should seek political goodwill, support and public understanding. They should be able to persuade politicians that they need monetary support for the purpose of multi-agency cooperation. Politicians should be invited to visit penal institutions and other related agencies, halfway houses to promote understanding of the importance of offender rehabilitation.

## **GROUP 3**

### **INFORMATION SHARING IN MULTI-AGENCY COOPERATION**

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<b>Chairperson</b>	Mr. Benjamin C. Cutay Jr.	(Philippines)
<b>Co-Chairperson</b>	Mr. Thiago Ferreira OLIVERA	(Brazil)
<b>Rapporteur</b>	Mr. Tashi PHUNTSO	(Bhutan)
<b>Co-Rapporteur</b>	Mr. Jeffrey Mala MESA	(Papua New Guinea)
<b>Members</b>	Mr. George Odhiambo DIANG'A	(Kenya)
	Ms. SHIMADA Tamaki,	(Japan)
	Mr. NISHIMOTO Masao	(Japan)
<b>Advisors</b>	Professor MINOURA Satoshi	(UNAFEI)

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## **I. INTRODUCTION**

Group 3 was composed of 7 members from 6 different countries. By consensus Mr. Benjamin C. Cutay Jr was elected as Chairperson, Mr. Thiago Ferreira Olivera as Co-Chairperson, Mr. Tashi Phuntsho as Rapporteur, and Mr. Jeffrey Mala Mesa as Co-Rapporteur.

The group's topic for discussion was "Information Sharing in Multi-Agency Cooperation". Discussions commenced on 22 January 2016, after a steering address by the Advisor, Professor Satoshi Minoura. The Chairperson then assumed the lead and set a tentative discussion schedule for the related sub-topics as follows:

1. 22 January 2016: Types of offenders who benefit from Multi-agency Cooperation.
2. 25 January 2016: Information Analysis of offender and information sharing.
3. 28 January 2016: Information Analysis of offender and information sharing.
4. 1 February 2016: Problems of Legislation.
5. 2 February 2016: Problems of Legislation.

## **II. SUMMARY OF DISCUSSION**

### **A. Types of Offenders and Offences Who Benefit from Multi-Agency Cooperation**

#### **1. Types of Offenders**

*Discussion: Various types of offenders receive treatment from Criminal Justice Agencies. Define what types of offenders are fit for Multi-Agency Cooperation*

The discussion surrounded what types of offenders should be subjected to treatment within multi-agency cooperation. The majority of the representatives (Bhutan, Brazil, Kenya and The Philippines) agreed that all types of offenders, irrespective of their age, gender, race and criminal history, should be included in multi-agency cooperation, as the treatment facilitated a greater assurance of reintegration into the community.

There was a noted concern (Japan and PNG<sup>1</sup>) for all offenders with special considerations such as juvenile and elderly offenders, offenders who are physically impaired and those that abused stimulant substances. These were viewed as special situations that would benefit from multi-agency cooperation, particularly as the recidivism rate among such offenders is very high in their respective countries.

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<sup>1</sup>Papua New Guinea

2. Types of Offences

*Discussion: Analyse the various types of offences committed that are fit for Multi-Agency Treatment*

There was agreement that multi-agency cooperation should render treatment for all types of offences (Brazil, Kenya and The Philippines), for misdemeanours, petty misdemeanours and violations (Bhutan). Recidivism was prevalent in offences such as substance abuse, larceny/robbery, and if not addressed properly the offender may continue to affect themselves and the people around them (family, neighbours, community at large), even to the extent of leading possibly to his/her death. For this reason, particular offences with high recidivism rates should be primarily treated (Japan and PNG).

3. Types of Support

*Discussion: What types of support are available to offenders through multi-agency treatment?*

Multi-agency cooperation support services are made available through various agencies' collaboration, and when an offender commences or receives treatment, the success of keeping them from reoffending may depend largely on the type and form of support they had during the process of reintegration.

Crime is committed for a variety of reasons but largely due to lack of housing, employment, skills, mental impairment or substance addiction. Once this is recognized, the support programmes are made to address these situations with the aim to prevent recurrence of offending, and the multi-agency cooperation ensures this support as per their needs. Support may be in the form of:

1. Job Assistance
2. Housing Assistance
3. Medical treatment
4. Psychiatric treatment
5. Educational programmes
6. Rehabilitation clinics for substance abuse
7. Social benefits
8. Any other assistance for offender treatment.

The information sharing in this regard is most useful as it enables the respective agencies to establish information-based programmes which will or may effectively support offenders in their required situations.

**Best Practice:** All offenders, irrespective of the offence committed, should be treated through multi-agency cooperation in information sharing. The recidivist should be primarily addressed, and the support assistance for such offenders is primarily essential in starting a successful treatment.

**B. Information Analysis of Offenders and Information Sharing**

1. Information Which Should Be Shared among the Agencies.

*Discussion: What kinds of information are necessary for the effective implementation of multi-agency cooperation?*

Multi-agency cooperation is best explained as cooperation between agencies working in partnership for a common concern (reduction of recidivism) in pursuit of a common goal, using their collaborative expertise and resources.

To that end, the representative discussion was unanimous that a mutual working relationship and effective information sharing should be observed by the multi-agency collaborative partnership which would ensure the successful implementation of the treatment programmes.

The respective criminal justice systems may have bounds (legal or regulatory) within which respective agencies can acquire or provide information concerning an offender. Therefore, information may be given

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when needed, and then only in measured proportion and relevance as per an agency's role and responsibility. An example is given by Japan; information on a juvenile collated by a Family Court Probation Officer may be acquired by the organizations for the treatment of juvenile offenders. (When a juvenile reoffends, the previous social investigation report will be used in the trial and the respective organizations involved in the treatment of juveniles.) However, information for an adult will be restricted to a degree after the trial.

It was interesting to note how personal information is approached and is treated in various countries. Most can distinguish personal information to be *sensitive/personal* as opposed to *general/personal*; the former being subject of stringent protection, and the latter more easily accessed. Although the Japanese Personal Information Protection Act distinguishes sensitive information such as personal criminal records from general information, even general information is strictly controlled by law as well as in practice.

Importantly, however, it was confirmed that sharing of private personal information in some countries in the nature of (but not restricted to) personal bank account details (financial privacy), communication privacy (telephone calls, text messages, emails, photographs, written correspondence/articles) and sensitive personal health related matters (HIV AIDS, Tuberculosis) is strictly regulated and requires either a judicial warrant or the express written consent of the offender for it to be accessed and shared. Juvenile information and its access are also stringently regulated in keeping with the child's best interest.

Recognizing all the above, it is agreed then that the following categories of information may be shared among agencies for offender treatment:

1. Offender's biographical data.
2. Nature of the offence.
3. Offender's history of previous offences.
4. General health and mental conditions.
5. Behaviour and conduct while in a correctional facility.
6. Behaviour and conduct while in residential community.
7. Education and skills training/level.
8. Employment history.
9. Offender's compliance with previous court orders or sentences.
10. Circumstances and environment of the victim, and any compensation or civil commitment condition to which the offender is subjected to pay by the Court.

This information is found to be necessary for the offender's treatment/rehabilitation process at its respective stages involving the respective agencies. To share or acquire this information, the government agencies must observe the protocol and courtesy of a formal request in writing to each other for it. Information can also be acquired through a shared database like the NCIS<sup>2</sup> (The Philippines), the CCIS<sup>3</sup> (Bhutan) and the NCCPIP<sup>4</sup> (PNG). In every instance that the file transfers may occur (privacy restrictions notwithstanding), thereafter where necessary to ensure the operation of the process.

## 2. Sphere of Information

*Discussion: Each Criminal Justice Agency holds different amounts of information on one (1) offender.*

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<sup>2</sup>National Crime Information System.

<sup>3</sup>Crime and Criminal Information System.

<sup>4</sup>National Court Criminal Process Improvement Programme.

*Consider not only how his/her information should be handled in the criminal justice process, but also how much the private sector needs such information to provide effective cooperation.*

Within the criminal justice process, the personal information of an offender must be shared freely between involved government agencies, and all propriety must be observed by each in doing so, given the responsibilities and discretion they are bounded by under the law.

Situations often arise where information must be shared with private agencies, who are also involved in the treatment of offenders. How much information they are entitled to will depend on the nature of their particular treatment service/facility, and it must be confined to what their requirements are, based on what is necessary.

Information sharing with private agencies should be done with great sensitivity toward the offender's personal privacy, considering the discussion above. While government agencies are bound by a legal duty to apply an offender's information in the proper circumstances for their treatment, private agencies may operate outside of legal periphery which may lead to loss of confidentiality and trust where the danger of information misuse may occur.

It follows then that, the type of personal information that needs to be shared with a private agency must be what is necessary for that particular treatment/rehabilitation programme and without prejudice to the offender where the misuse of an offender's personal information outside of this purpose (treatment) may result in legal action for privacy violation.

Private agencies are also subject to compliance with the formal written request protocol, as government agencies are.

### 3. Problems in the Handling of Offenders' Personal Information

*Discussion: Much information that is handled in the criminal justice process is offenders' personal information. How should criminal justice agencies disclose the information collected by one agency to other agencies, including other government bodies and the private sector?*

There is a concern that the personal information stored in databases of criminal justice agencies is susceptible to being hacked/illegally accessed. Such large volumes are competently stored and, considering the frequency of its use by respective agencies at similarly frequent intervals, the problems cited are:

1. Privacy principles.
2. Unlawful practices or misuse of data, insecure practices.
3. Risk during data retention associated with data theft and network security threats.
4. Loss of drives or using portable drives while storing and carrying information.

Notwithstanding the above, it is recognized that all stakeholders and agencies have the right to access information to effectively implement programmes based on their respective roles, but to work in collaboration with each other, the following recommendations are proposed:

1. Appoint designated data handlers with SOP<sup>5</sup> to prevent unauthorized access and disclosure.
2. Timely exchange of information.
3. Information should be what is necessary, proportionate, relevant, accurate, and secure.
4. Share with consent wherever necessary.

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<sup>5</sup>Standard Operating Procedures.

5. Frequent scrutiny regarding use of information provided should be carried out.
6. Integrated IT systems like the NCIS in the Philippines or the collaborative database of criminal justice information of Japan is recommended for information sharing.

The victims' perspective also needs to be considered here. This party's information was valuable overall in terms of restorative justice and mediation, all commensurate with the Probation and Volunteer Probation Officers' treatment of the offender. Consideration should be given to the burden placed on victims when they are forced to relive the trauma by relating it repeatedly to different agencies during the criminal justice process; the physical and psychological stress combined would be too taxing and insensitive.

To spare the victim, the initial interviewing agency should share information provided by the victim as required to other government agencies in the process; victim information provided to private agencies must be necessary to the particular treatment programme/facility. Further, the interviewing agency should follow up on the victim over time as their circumstances might have changed enough to capably handle treatment processes like speaking to the offender about the offence and expressing their feelings.

**Best Practice:** Information should be shared among all agencies concerned with the treatment of offenders, in proportion to their roles. Information given to private agencies is qualified for all purposes, and the personal/sensitive information is subject to consent or a warrant. Formal written requests are to be observed, and all data should be competently secured in databases. Victim information is valuable, to be obtained once and shared to agencies through the process. The victim can be a significant participant in the treatment process of the offender.

### C. Problems of Legislation

*Discussion: What is the extent to which offenders' personal information must be protected by laws when criminal justice agencies and the private sector engage in multi-agency cooperation?*

Legislation that pertains to agencies' functions and roles in multi-agency cooperation and privacy laws is fundamental in most countries (Japan, Kenya, the Philippines, Brazil and PNG); however, not all agencies in Bhutan have a definitive legal basis, especially probation-oriented services. The group agreed that there ought to be distinct legislation that links all agencies into a multi-corporate function of information sharing, working in tandem instead of at random.

Further, better coordination among the agencies would make a better working atmosphere with a culture of trust, cooperation, mutual understanding and commitment towards the common desired goal, the treatment of offenders to reduce or prevent recidivism. This could be advanced by:

- a. Enacting laws or MOUs<sup>6</sup> in countries that define agencies' roles and their legal basis.
- b. Ensuring that agencies understand their own functions and purposes, and operate more efficiently, especially data collation.
- c. Ensuring that agencies have a better understanding of each other's functions and roles, and how they are linked through multi-agency cooperation.
- d. Regular meetings of the multi-agency cooperative for better cognizance.
- e. Establishing better professional rapport between agencies.
- f. Better sharing of information between the agencies
- g. Need to tackle institutional problems that prevent effective coordination.

All the participants agreed, when privacy is a concern, some information that can be disclosed is

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<sup>6</sup>Memorandum of Understanding.

handled as stated as above. Information that cannot be shared freely among the agencies include,

1. Bank account information
2. Communication privacy information
3. Fiscal information
4. Serious health conditions

Consideration turned to when an offender is seeking employment or housing in the private sector, how much of his/her information can be protected from a potential employer/tenement? It is a difficult scenario.

To begin with, the stigma of being avoided because of criminal history is a reality in every country. Disclosing criminal history, especially if it was violent or aggravated in nature, may jeopardize chances for employment or other opportunities. On the other hand, an accurate report of his/her prior history (e.g., theft of a bike, not murder) may alleviate any anxiety a potential employer may have had, and lead to the offender's employment. This is consistent with the positive reaction that honest disclosure will assist in furthering any opportunity. In the end, it was observed that while the offender had the right not to disclose his/her criminal history, the employer also had the right to protect his/her business and reputation — thus, the necessity to know as much as possible about an individual, offender or not. It is the contest of balancing the offenders' interests against the employers' interests.

A strategy that may strike this balance is that of completing a Statement of Purpose (the Philippines) where an offender submits his/her history and other information, which the employer uses in good faith only. Interestingly, when an employer has employed an offender, he now becomes held to protecting the offender's history absolutely; failure to do so will result in legal action for privacy violation if that information was misused to the offender's detriment. A related experience (Japan) is that where an offender is employed with a company, only the CEO is given the offender's information and no one else in the company knows, so that the information provided is protected and secure.

**Best Practice:** Healthy working rapport must be established among partner agencies to promote efficient and effective treatment of the offender. Specific legislation to this end would be ideal to link them all. Private companies must exercise absolute discretion about the offender who is seeking employment, housing, etc.

### III. CONCLUSION

The group after deliberate discussion came up with the Best Practice approaches for every topic discussed, and their collective summation is the best way to approach information sharing in multi-agency cooperation.

In summary, all types of offenders and offences will benefit from multi-agency cooperation, treatment and support. In order to achieve this, the sharing of both the offender's and victim's information among the agencies involved in the criminal justice process is important, simultaneously acknowledging that information privacy should always be observed wherever necessary.

To give emphasis to multi-agency cooperation, it would be practical to enact legislation that links each agency, thereby establishing a legal structure and basis to operate within. To complement the work of multi-agency cooperation, the community as a whole, both public and private, must treat offender information with sensitivity and due discretion when engaging with them. In the end, this goes to ensure that offenders are reintegrated as members of the same community.

## APPENDIX

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*COMMEMORATIVE PHOTOGRAPH*  
● *162nd International Senior Seminar*

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UNAFEI



# The 162nd International Senior Seminar



## **Left to Right:**

### **4th Row**

Ms. Iwakata (Staff), Ms. Odagiri (Chef), Ms. Yamada (Staff), Ms. Hando (Staff), Ms. Sato (Staff), Mr. Miyagawa (Staff), Mr. Toyoda (Staff), Mr. Endo (Staff), Mr. Ozawa (Staff)

### **3rd Row**

Ms. Oda (Staff), Ms. Yamamoto (JICA), Mr. Jimi (Japan), Mr. Nishimoto (Japan), Mr. Wakimoto (Japan), Mr. Oliveira Junior (Brazil), Mr. Nakamura (Japan), Mr. Mizukami (Japan), Mr. Sitban (Papua New Guinea), Mr. Nyembo (Democratic Rep. of Congo), Mr. Cutay, Jr. (the Philippines)

### **2nd Row**

Mr. Mesa (Papua New Guinea), Ms. Ojunga (Kenya), Mr. Oliveira (Brazil), Mr. Phuntsho (Bhutan), Mr. Min (Myanmar), Ms. Madam (Thailand), Mr. Roshan (Pakistan), Mr. Dianga (Kenya), Mr. Puttissombat (Thailand), Ms. Shimada (Japan), Mr. Muyasa (Kenya), Ms. Akter (Bangladesh)

### **1st Row**

Mr. Ando (Staff), Prof. Yukawa, Prof. Hirose, Prof. Yoshimura, Prof. Minoura, Prof. Canton (United Kingdom), Director Yamashita, Ms. Williams (United States), Prof. Akashi, Prof. Moriya, Prof. Nagai, Prof. Watanabe, Mr. Ito, Mr. Schmid (LA)

